

# THE NATIONAL ARCHIVES FEDERAL REGISTER OF THE UNITED STATES

1934

VOLUME 24      NUMBER 119

Washington, Thursday, June 18, 1959

## Title 5—ADMINISTRATIVE PERSONNEL

### Chapter I—Civil Service Commission

#### PART 6—EXCEPTIONS FROM THE COMPETITIVE SERVICE

##### Housing and Home Finance Agency

Effective upon publication in the FEDERAL REGISTER, subparagraph (16) is added to § 6.342(b) as set out below.

§ 6.342 Housing and Home Finance Agency.

- \* \* \* \* \*
- (b) *Federal Housing Administration.*
- \* \* \*
- (16) One Congressional Liaison Officer.
- (R.S. 1753, sec. 2, 22 Stat. 403, as amended; 5 U.S.C. 631, 633)

UNITED STATES CIVIL SERVICE  
COMMISSION,

[SEAL] WM. C. HULL,  
*Executive Assistant.*

[F.R. Doc. 59-5048; Filed, June 17, 1959;  
8:50 a.m.]

## Title 7—AGRICULTURE

### Chapter VII—Commodity Stabilization Service (Farm Marketing Quota and Acreage Allotments), Department of Agriculture

[1026 (Burley, Flue, Fire, Air, and Sun-59)-  
1; Amdt. 1]

#### PART 725—BURLEY, FLUE-CURED, FIRE-CURED, DARK AIR-CURED, AND VIRGINIA SUN-CURED TO- BACCO

##### Marketing Quota Regulations, 1959-60 Marketing Year

This amendment is based on the marketing quota provisions of the Agricultural Adjustment Act of 1938, as amended, applicable to tobacco (7 U.S.C. 1311-15), and corrects §§ 725.1038(a) (3) (ii) and 725.1052(a) (24 F.R. 4682).

1. Section 725.1038(a) (3) (ii) is amended to read as follows:

(ii) For any kind of tobacco produced on a farm in 1959 the acreage of which is in excess of the farm acreage allot-

ment therefor and the operator or other producer on the farm fails within ten (10) days (seven days in the case of flue-cured tobacco grown in the State of North Carolina) from the date of mailing of Form CSS-590, Notice of Excess Acreage, (with deposit to cover the cost as determined by the county committee and approved by the State committee), to notify the county ASC office of his intention to dispose of any excess tobacco acreage or to request remeasurement of the tobacco acreage and the tobacco produced on the excess acreage is disposed of in accordance with § 725.1045, unless the county committee, or the county office manager on behalf of the county committee, determines that failure to so notify or request was due to circumstances beyond the control of the farm operator or producer, or

2. Section 725.1052(a) is amended to read as follows:

(a) *Report of tobacco acreage.* The farm operator or any producer on the farm shall execute and file a report with the ASC county office or a representative of the county committee on Form CSS-578, Report of Acreage, showing all fields of tobacco on the farm in 1959. If any producer on a farm files or aids or acquiesces in the filing of any false report with respect to the acreage of tobacco grown on the farm, even though the farm operator or his representative refuses to sign such report, the allotment next established for such farm and kind of tobacco shall be reduced, except that such reduction for any such farm shall not be made if the county and State committees determine that no person connected with such farm caused, aided or acquiesced in the filing of the false report, pursuant to applicable Tobacco Marketing Quota Regulations for Determining Acreage Allotments and Normal Yields.

It is hereby found and determined that sufficient cause exists for not postponing the effective date of this amendment beyond the date of publication in the FEDERAL REGISTER (5 U.S.C. 1003(c)); in that (1) actual measurement and disposition of excess tobacco is now being made by producers; and it is in the best interest of the public that this amendment be placed in effect at the earliest possible date; and (2) notice of proposed

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# FEDERAL REGISTER

Published daily, except Sundays, Mondays, and days following official Federal holidays, by the Office of the Federal Register, National Archives and Records Service, General Services Administration, pursuant to the authority contained in the Federal Register Act, approved July 26, 1935 (49 Stat. 500, as amended; 44 U.S.C., ch. 8B), under regulations prescribed by the Administrative Committee of the Federal Register, approved by the President. Distribution is made only by the Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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## CFR SUPPLEMENTS

(As of January 1, 1959)

The following supplement is now available:

### Title 26 (1954), Part 222 to end (\$2.75)

Previously announced: Title 3, 1958 Supp. (\$0.35); Titles 4-5 (\$0.50); Title 6 (\$1.75); Title 7, Parts 1-50 (\$4.00); Parts 51-52 (\$6.25); Parts 53-209 (\$5.50); Parts 210-899 (\$2.50); Parts 900-959 (\$1.50); Part 960 to end (\$2.25); Title 8 (\$0.35); Title 9 (\$4.75); Titles 10-13 (\$5.50); Title 14, Parts 1-39 (\$0.55); Parts 40-399 (\$0.55); Part 400 to end (\$1.50); Title 15 (\$1.00); Title 16 (\$1.75); Title 18 (\$0.25); Title 19 (\$0.75); Title 21 (\$1.00); Titles 22-23 (\$0.35); Title 24 (\$4.25); Title 25 (\$0.35); Title 26, Parts 1-79 (\$0.20); Parts 80-169 (\$0.20); Parts 170-182 (\$0.20); Part 300 to end, Title 27 (\$0.30); Title 26 (1954) Parts 1-19 (\$3.25); Parts 20-221 (\$3.00); Titles 28-29 (\$1.50); Titles 30-31 (\$3.50); Title 32, Parts 1-399 (\$1.50); Parts 400-699 (\$1.75); Parts 700-799 (\$0.70); Parts 800-1099 (\$2.50); Part 1100 to end (\$0.35); Title 32A (\$0.40); Title 33 (\$1.50); Titles 35-37 (\$1.25); Title 38 (\$0.55); Title 39 (\$0.70); Titles 40-42 (\$0.35); Title 43 (\$1.00); Titles 44-45 (\$0.60); Title 46, Parts 1-145 (\$1.00); Parts 146-149, 1958 Supp. 2 (\$1.50); Part 150 to end (\$0.50); Title 47, Parts 1-29 (\$0.70); Part 30 to end (\$0.30); Title 49, Parts 1-70 (\$0.25); Parts 71-90 (\$0.70); Parts 91-164 (\$0.40); Part 165 to end (\$1.00); Title 50 (\$0.75)

Order from Superintendent of Documents, Government Printing Office, Washington 25, D.C.

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rule making was published in the FEDERAL REGISTER of April 15, 1959.

Since the amendment is corrective in nature, further notice and public procedure is impracticable, unnecessary and contrary to the public interest.

(Sec. 375, 52 Stat. 66; 7 U.S.C. 1375, interprets or applies sec. 313, 52 Stat. 47, as amended, 7 U.S.C. 1313; sec. 374(c), 68 Stat. 904; 7 U.S.C. 1374(c))

Issued at Washington, D.C., this 16th day of June 1959.

CLARENCE D. PALMBY,  
Associate Administrator,  
Commodity Stabilization Service.

[F.R. Doc. 59-5105; Filed, June 17, 1959;  
9:03 a.m.]

[Amdt. 2]

## PART 728—WHEAT

### Regulations Pertaining to Farm Acreage Allotments for 1960 and Subsequent Crops of Wheat

**Basis and purpose.** The amendments herein are issued pursuant to and in accordance with the Agricultural Adjustment Act of 1938, as amended. In establishing the 1959 farm allotments the 1958 history acreages were not considered under the applicable regulations. However, in establishing the 1960 allotments, 1958 is one of the years in the base period. Since the history acreages for 1958 have not been previously considered

by the county committees, the purpose of the first amendment is to permit the elimination of such history acreages in those cases where, in determining the 1959 allotment, an adjustment was made in the wheat history acreages for the farm for any of the years 1955, 1956, or 1957 as being not representative due to a change in operations which resulted in a change in the farm's established crop-rotation system, and it is determined that the 1958 history is also not representative due to the change in operation which resulted in the adjustment for the purposes of the 1959 allotment. The second amendment and third amendment are for the purpose of correcting references to other provisions of the regulations. The purpose of the fourth amendment is to clarify the provisions with respect to the 1960 tentative base acreages for farms for which new farm allotments were established for any year subsequent to 1955.

ASC county committees are now in the process of determining 1960 base acreages preparatory to the establishment of 1960 wheat acreage allotments. The amendments herein are an integral part of the regulations for determining 1960 base acreages. Accordingly, it is hereby found and determined that compliance with the public notice, procedure and 30-day effective date provisions of section 4 of the Administrative Procedure Act is impracticable and contrary to the public interest. Therefore, the amendments herein shall become effective upon their publication in the FEDERAL REGISTER.

1. Section 728.1017(c) (1) (iv) is amended by adding at the end thereof the following: "In addition, if in establishing the 1959 allotment, the wheat history acreage was adjusted because it was not representative due to a change in operation which resulted in a substantial change in the established crop-rotation system for the farm, the wheat history acreage for 1958 may be eliminated if it does not represent the crop-rotation system so established for the farm."

2. Section 728.1017(d) (i), (ii), and (iii) is renumbered as § 728.1017(d) (1), (2), and (3), respectively.

3. Section 728.1017(d) (1) is amended by striking out in the second sentence the language "or (iii)" and inserting in lieu thereof the language "(iii), or (iv)", and by adding after the figure "1958" the language "or the 1958 wheat history acreage was eliminated under paragraph (c) (1) (iv) of this section".

4. Section 728.1017(d) (1) is further amended by striking out in the third sentence the language "paragraph (c) (1) (iv)" and inserting in lieu thereof the language "paragraph (c) (1) (v)".

5. Section 728.1017(d) (3) is amended by striking out in the first sentence the language "or (c)" and inserting in lieu thereof the language ", (c), and subparagraph (1) or (2) of this paragraph".

(Sec. 375, 52 Stat. 66; 7 U.S.C. 1375. Interpret or apply Sec. 334, 52 Stat. 53, as amended; 7 U.S.C. 1334)

Issued at Washington, D.C., this 12th day of June 1959.

CLARENCE D. PALMBY,  
Acting Administrator,  
Commodity Stabilization Service.

[F.R. Doc. 59-5059; Filed, June 17, 1959;  
8:51 a.m.]

## Title 9—ANIMALS AND ANIMAL PRODUCTS

### Chapter I—Agricultural Research Service, Department of Agriculture

#### SUBCHAPTER C—INTERSTATE TRANSPORTATION OF ANIMALS AND POULTRY

#### PART 78—BRUCELLOSIS IN DOMESTIC ANIMALS

#### Designation of Modified Certified Brucellosis-Free Areas, Public Stockyards, and Slaughtering Establishments

Pursuant to § 78.16 of the regulations in Part 78, as amended, Title 9, Code of Federal Regulations, containing restrictions on the interstate movement of animals because of brucellosis, under sections 4, 5, and 13 of the Act of May 29, 1884, as amended, sections 1 and 2 of the Act of February 2, 1903, as amended, and section 3 of the Act of March 3, 1905, as amended (21 U.S.C. 111-113, 114a-1, 120, 121, 125), §§ 78.13, 78.14, and 78.15 are amended in the following respects:

1. Section 78.13 is hereby amended to read as follows:

#### § 78.13 Modified certified brucellosis-free areas.

The following States, or specified portions thereof, are hereby designated as modified certified brucellosis-free areas:

**Alabama:** Cherokee, Cleburne, De Kalb, Etowah, Geneva, Jackson, and Marshall Counties;

**Arizona:** Apache, Cochise, Coconino, Gila, Graham, Greenlee, Mohave, Navajo, Pima, Pinal, Santa Cruz, Yavapai and Yuma Counties; Arizona Strip in Mohave and Coconino Counties, Apache Indian Reservation, Gila Indian Reservation, Hopi Indian Reservation, Hualapai Indian Reservation, Navajo Indian Reservation and Papago Indian Reservation;

**Arkansas:** Baxter, Benton, Boone, Carroll, Clark, Cleburne, Columbia, Fulton, Garland, Grant, Hempstead, Hot Spring, Independence, Izard, Johnson, Lafayette, Madison, Marion, Montgomery, Nevada, Newton, Perry, Pike, Polk, Saline, Scott, Searcy, Sharp, Stone, Van Buren, Washington, and Yell Counties;

**California:** Alpine, Colusa, Del Norte, Humboldt, Inyo, Lassen, Mono, and Trinity Counties;

**Colorado:** Alamosa, Archuleta, Chaffee, Conejos, Costilla, Custer, Delta, Denver, Dolores, Garfield, Gunnison, LaPlata, Mesa, Montezuma, Montrose, Ouray, Pitkin, Rio Grande, Saguache, San Juan, San Miguel, and Sedgwick Counties; Southern Ute Indian Reservation and Ute Mountain Ute Reservation;

**Connecticut:** The entire State;

*Delaware:* The entire State;

*Florida:* Bay, Calhoun, Columbia, Dixie, Escambia, Franklin, Gadsden, Gilchrist, Gulf, Hamilton, Holmes, Jackson, Jefferson, Lafayette, Leon, Liberty, Madison, Okaloosa, Santa Rosa, Suwannee, Taylor, Wakulla, Walton, and Washington Counties;

*Georgia:* Appling, Atkinson, Bacon, Baldwin, Banks, Barrow, Ben Hill, Berrien, Brantley, Brooks, Bryan, Bullock, Burke, Butts, Candler, Carroll, Chattahoochee, Chattooga, Cherokee, Clarke, Clay, Clayton, Coffee, Colquitt, Columbia, Cook, Crawford, Dade, Dawson, DeKalb, Dodge, Douglas, Elbert, Evans, Fannin, Forsyth, Franklin, Gilmer, Glascock, Glynn, Gordon, Greene, Gwinnett, Habersham, Hall, Hart, Heard, Irwin, Jackson, Jeff Davis, Jenkins, Johnson, Jones, Lamar, Lanier, Laurens, Liberty, Lincoln, Long, Lumpkin, Madison, Marion, Meriwether, Miller, Monroe, Montgomery, Oconee, Oglethorpe, Paulding, Peach, Pickens, Pierce, Pike, Polk, Quitman, Rabun, Randolph, Richmond, Rockdale, Schley, Spalding, Stephens, Talbot, Tattnall, Taylor, Tift, Toombs, Towns, Truetlen, Troup, Turner, Twiggs, Union, Upson, Walker, Ware, Warren, Washington, Wayne, Webster, Wheeler, White, Whitfield, Wilcox, Wilkinson, and Worth Counties;

*Idaho:* Ada, Adams, Benewah, Blaine, Boise, Bonner, Boundary, Butte, Camas, Canyon, Clark, Clearwater, Custer, Elmore, Franklin, Gooding, Idaho, Jerome, Kootenai, Latah, Lemhi, Lewis, Lincoln, Minidoka, Nez Perce, Oneida, Owyhee, Power, Shoshone, Teton, Valley, and Washington Counties; and Fort Hill Indian Reservation;

*Illinois:* Boone, Bureau, Champaign, Clay, Clinton, Cook, Cumberland, DeKalb, DuPage, Edgar, Effingham, Ford, Grundy, Kane, Kankakee, Kendall, Lake, La Salle, Lawrence, Lee, Livingston, McHenry, McLean, Macon, Monroe, Moultrie, Ogle, Perry, Stephenson, Vermilion, Wabash, Will, and Winnebago Counties;

*Indiana:* Adams, Allen, Benton, Blackford, Brown, Cass, Clark, Clay, Crawford, Daviess, Dearborn, Decatur, DeKalb, Delaware, Dubois, Elkhart, Floyd, Fulton, Grant, Hancock, Harrison, Howard, Huntington, Jay, Lagrange, Lake, LaPorte, Madison, Marion, Marshall, Martin, Noble, Orange, Parke, Perry, Pike, Porter, Posey, Pulaski, Randolph, St. Joseph, Spencer, Starke, Steuben, Sullivan, Vanderburgh, Vermillion, Wabash, Warrick, Wells, and Whitley Counties;

*Kansas:* Decatur County;

*Kentucky:* Anderson, Calloway, Campbell, Elliott, Graves, Greenup, Hopkins, Lawrence, Metcalfe, Morgan, Rockcastle, Rowan, Simpson, Todd, Trigg, Trimble, Warren, and Wolfe Counties;

*Louisiana:* Claiborne, and St. Landry Parishes;

*Maine:* The entire State;

*Maryland:* The entire State;

*Massachusetts:* The entire State;

*Michigan:* The entire State;

*Minnesota:* The entire State;

*Mississippi:* Alcorn, Attala, Choctaw, Clay, Forrest, George, Greene, Hancock, Itawamba, Jackson, Jasper, Jefferson Davis, Jones, Lamar, Lee, Neshoba, Perry, Pike, Pontotoc, Prentiss, Smith, Tippah, Tishomingo, Union, Walthall, Winston, and Yalobusha Counties;

*Missouri:* Andrew, Barry, Bollinger, Boone, Butler, Cape Girardeau, Carroll, Christian, Dade, Dent, Franklin, Greene, Jackson, Jasper, Jefferson, Lawrence, Monroe, Montgomery, Oregon, Osage, Perry, Pettis, Putnam, Ralls, Ray, Reynolds, Ripley, St. Charles, St. Francois, St. Genevieve, Shelby, Texas, Webster, Worth, and Wright Counties;

*Montana:* Beaverhead, Blaine, Carbon, Carter, Cascade, Daniels, Dawson, Dear Lodge, Fallon, Fergus, Flathead, Gallatin, Garfield, Glacier, Golden Valley, Granite, Hill, Jefferson, Judith Basin, Lake, Lewis and Clark, Liberty, Lincoln, McCone, Madison, Meagher, Mineral, Missoula, Musselshell, Park, Petroleum, Phillips, Pondera, Powell, Prairie,

Ravalli, Richland, Roosevelt, Sanders, Sheridan, Stillwater, Sweet Grass, Teton, Toole, Treasure, Valley, Wheatland, Wibaux, and Yellowstone Counties;

*Nebraska:* Adams, Burt, Butler, Cass, Cedar, Clay, Colfax, Cuming, Dakota, Dixon, Dodge, Douglas, Fillmore, Franklin, Gage, Hall, Hamilton, Harlan, Howard, Jefferson, Johnson, Lancaster, Madison, Merrick, Nance, Nemaha, Nuckolls, Otoe, Pawnee, Pierce, Platte, Polk, Richardson, Saline, Sarpy, Saunders, Seward, Stanton, Thayer, Thurston, Washington, Wayne, Webster, and York Counties;

*Nevada:* The entire State;

*New Hampshire:* The entire State;

*New Jersey:* The entire State;

*New Mexico:* The entire State;

*New York:* Albany, Alleghany, Bronx, Broome, Cayuga, Chautauque, Chemung, Clinton, Columbia, Cortland, Delaware, Essex, Franklin, Greene, Hamilton, Jefferson, Lewis, Niagara, Onondaga, Oswego, Otsego, Richmond, Rockland, St. Lawrence, Saratoga, Schenectady, Schoharie, Schuyler, Steuben, Suffolk, Sullivan, Tioga, Warren and Washington Counties;

*North Carolina:* The entire State;

*North Dakota:* Barnes, Benson, Bottineau, Bowman, Burke, Cass, Cavalier, Divide, Dunn, Emmons, Grand Forks, Grant, Griggs, Hettinger, McHenry, McKenzie, McLean, Mercer, Morton, Mountrail, Nelson, Oliver, Pembina, Pierce, Ramsey, Renville, Rolette, Sheridan, Sioux, Slope, Stark, Steele, Towner, Traill, Walsh, Ward, Wells, and Williams Counties;

*Ohio:* Athens, Belmont, Carroll, Columbiana, Fulton, Guernsey, Hancock, Henry, Hocking, Jackson, Mahoning, Meigs, Monroe, Noble, Ottawa, Paulding, Putnam, Scioto, Seneca, Tuscarawas, Van Wert, Washington, Wood, and Wyandot Counties;

*Oklahoma:* Delaware;

*Oregon:* Baker, Benton, Clackamas, Clatsop, Columbia, Coos, Curry, Deschutes, Douglas, Grant, Hood River, Jefferson, Josephine, Lane, Lincoln, Linn, Malheur, Marion, Morrow, Multnomah, Polk, Sherman, Tillamook, Umatilla, Union, Wasco, Washington, Wheeler and Yamhill Counties; and Warm Springs Indian Reservation;

*Pennsylvania:* The entire State;

*Rhode Island:* The entire State;

*South Carolina:* Bamberg, Barnwell, Cherokee, Chester, Chesterfield, Clarendon, Darlington, Dillon, Greenwood, Hampton, Horry, Lancaster, Laurens, Lee, Lexington, McCormick, Marion, Marlboro, Newberry, Pickens, Saluda, Sumter, Union, and York Counties;

*South Dakota:* Butte, Custer, Grant, Harding, and Lawrence Counties;

*Tennessee:* Anderson, Bedford, Benton, Bledsoe, Bradley, Campbell, Carroll, Carter, Cheatham, Chester, Claiborne, Clay, Cocke, Decatur, De Kalb, Dickson, Dyer, Fentress, Franklin, Gibson, Giles, Grundy, Hamilton, Hancock, Hardeman, Hardin, Henderson, Henry, Hickman, Houston, Humphreys, Jackson, Jefferson, Johnson, Knox, Lauderdale, Lawrence, Lewis, Lincoln, Loudon, McNairy, Macon, Madison, Marshall, Maury, Meigs, Monroe, Montgomery, Moore, Morgan, Obion, Overton, Perry, Pickett, Polk, Putnam, Rhea, Roane, Rutherford, Scott, Shelby, Smith, Stewart, Sullivan, Tipton, Trousdale, Ulico, Union, Wayne, Weakley, Williamson, and Wilson Counties;

*Texas:* Brewster, Jeff Davis, and Presidio Counties;

*Utah:* The entire State;

*Vermont:* The entire State;

*Virginia:* Accomack, Alleghany, Arlington, Bath, Bland, Brunswick, Buchanan, Buckingham, Caroline, Charles City, Chesterfield, Clarke, Craig, Culpeper, Cumberland, Essex, Fairfax, Giles, Gloucester, Hanover, Henrico, Isle of Wight, James City, King & Queen, King George, King William, Lancaster, Lee, Mathews, Middlesex, Nansemond, New Kent, Norfolk, Northampton, Northumberland,

Orange, Page, Prince William, Princess Anne, Rappahannock, Richmond, Rockingham, Scott, Southampton, Spotsylvania, Stafford, Surry, Sussex, Westmoreland, Wise, Wythe, and York Counties; and City of Hampton;

*Washington:* The entire State;

*West Virginia:* Berkeley, Boone, Braxton, Brooke, Cabell, Calhoun, Clay, Doddridge, Fayette, Gilmer, Grant, Greenbrier, Hampshire, Hancock, Hardy, Harrison, Jackson, Jefferson, Kanawha, Lincoln, Logan, McDowell, Marion, Marshall, Mercer, Mineral, Mingo, Monroe, Morgan, Nicholas, Ohio, Pendleton Pleasants, Pocahontas, Putnam, Raleigh, Randolph, Roane, Summers, Taylor, Tucker, Tyler, Upshur, Wayne, Webster, Wetzel, Wirt, Wood, and Wyoming Counties;

*Wisconsin:* The entire State;

*Wyoming:* Big Horn, Fremont, Lincoln, Park, and Weston Counties; and Lower Arapaho Cattle Association, Wind River Indian Reservation in Fremont County, Arapahoe Ranch Tribal Enterprise, and Wind River Indian Reservation in Fremont and Hot Springs Counties;

*Puerto Rico:* The entire area;

*Virgin Islands:* The entire United States area.

## § 78.14 [Amendment]

2. Section 78.14(b), listing specifically approved stockyards, is amended by deleting the following items under the headings specified:

### ALABAMA

Arab Stockyard, Arab.  
Limestone County Stockyard, Athens.

### ARKANSAS

Brewer Auction Co., Mountain View.  
Columbia County Livestock Auction, Magnolia.  
Magnolia Sales Barn, Magnolia.  
Union Stockyards, Pine Bluff.

### CALIFORNIA

Mariposa Commission Co., Stockton.

### GEORGIA

Bleckley Livestock Auction, Cochran.  
Byram Auction Company, G. H., Newnan.  
Coosa Valley Livestock Co., Rome.  
Fitzgerald Stockyards, Fitzgerald.  
Gordon Roberts Livestock Co., Baxley.  
Troup Livestock Co., LaGrange.

### IDAHO

Shoshone Livestock Auction, Shoshone.

### IOWA

Albia Sales Co., Albia.  
Allerton Sale Co., Allerton.  
Ames Sales Co., Ames.  
Anamosa Livestock Auction, Anamosa.  
Armstrong Sale Co., Armstrong.  
Atlantic Auction Co., Atlantic.  
Audubon Auction Co., Audubon.  
Avoca Auction Co., Avoca.  
Belmond Sales Pavilion, Belmond.  
Bonaparte Community Sale, Bonaparte.  
Bradley Live Stock Auction, Red Oak.  
Cedar Valley Livestock Exchange, Vinton.  
Centerville Sales Co., Centerville.  
Charles City Livestock Exchange, Charles City.  
Clarinda Auction Co., Clarinda.  
Clear Lake Auction Co., Clear Lake.  
Colfax Sales Co., Colfax.  
Corning Auction Co., Corning.  
Corydon Sale, Corydon.  
Cowan Sale Company, Roy, Sioux City.  
Cresco Livestock Market, Cresco.  
Davis County Sales Co., Bloomfield.  
Creston Auction Co., Creston.  
DeWitt Sale Barn, DeWitt.  
Donnellson Commission Exchange, Donnellson.  
Dows Sale Pavilion, Dows.  
Dyersville Sale Barn, Dyersville.

Eastern Iowa Livestock Commission Co., Mechanicsville.  
 Eldora Livestock Sales, Eldora.  
 Elkader Sales Barn, Elkader.  
 Emmetsburg Sales Co., Emmetsburg.  
 Estherville Auction Co., Estherville.  
 Fairfield Livestock Commission Co., Fairfield.  
 Fonda Sales Barn, Fonda.  
 Forest City Auction Co., Forest City.  
 Henderson Auction, Henderson.  
 Hi Dollar Sale Co., Sigourney.  
 Hopkinton Sales Pavilion, Hopkinton.  
 Humboldt Livestock Auction, Humboldt.  
 Iowa City Sales Co., Iowa City.  
 Iowa Falls Sales Pavilion, Iowa Falls.  
 Iowa-Nebraska Sale Yards, Council Bluffs.  
 Independence Sales Co., Independence.  
 Jefferson Livestock Market, Jefferson.  
 Keosauqua Sale Co., Inc., Keosauqua.  
 Kimballton Auction Co., Kimballton.  
 Laurens Livestock Sales Co., Laurens.  
 LaPorte City Sale Barn, LaPorte City.  
 Lawn Hill Livestock Sale Co., New Providence.  
 Lawton Sale Barn, Lawton.  
 Lenox Livestock Auction, Lenox.  
 Leon Sale, Leon.  
 Leonard's Auction Sale, Manchester.  
 Live Stock Auction, Denison.  
 Lizer's Sale, Gowrie.  
 Low Moor Sales Co., Low Moor.  
 Marengo Sales Barn, Marengo.  
 McCreary Sale Co., Centerville.  
 McDonald Sales Co., Sumner.  
 McIntosh Livestock Auction Co., Ida Grove.  
 Mahaska Sales Co., Oskaloosa.  
 Mapleton Sales Co., Inc., Mapleton.  
 Maquoketa Livestock Sales Co., Maquoketa.  
 Middletown Sale Co., Middletown.  
 Midway Sales Co., Columbus Junction.  
 Milford Livestock Exchange, Milford.  
 Mount Ayr Livestock Market, Mount Ayr.  
 New Liberty Sale Barn, New Liberty.  
 Northeast Iowa Sales Co., Decorah.  
 Northwest Iowa Livestock Exchange, Alta.  
 Osceola Sale Co., Osceola.  
 Oelwein Livestock Exchange, Oelwein.  
 Onawa Sale Barn, Onawa.  
 Orient Sale Co., Inc., Orient.  
 Oxford Sales Barn, Inc., Oxford.  
 Paullina Sale Co., Paullina.  
 Petersen Cattle Co., Clinton.  
 Petersen Cattle Co., Mt. Vernon.  
 Petersen Cattle Co., Schaller.  
 Petersen Cattle Co., Spencer.  
 Peterson Sheep & Cattle Co., Des Moines.  
 Pocahontas Livestock Sales, Inc., Pocahontas.  
 Postville Co-op Sales Barn, Postville.  
 Riceville Sales Pavilion, Riceville.  
 Russell Sales Co., Russell.  
 Sac County Auction, Inc., Sac City.  
 Sales Company of Hawarden, Hawarden.  
 Selfried-Trenary, Pocahontas.  
 Sheldon Sales Co., Sheldon.  
 Stanton Auction Co., Stanton.  
 Strand & Son, Oswald, Manly.  
 Stuart Sales Co., Stuart.  
 Sweetland Sales Co., Muscatine.  
 Tama Sale Co., Tama.  
 Uhlenhopp Sales, Applington.  
 Umstead Livestock Auction, Eagle Grove.  
 Ute Sale Barn, Ute.  
 Wadena Livestock Exchange, Wadena.  
 Wapello Livestock Auction, Wapello.  
 Washington Livestock Sales Co., Washington.  
 Waukon Sales Commission, Waukon.  
 Wenger Sales Commission, West Union.  
 Wayland Sales Co., Inc., Wayland.  
 West Union Auction Exchange, West Union.  
 Westra Sales Co., Orange City.  
 Westrope Auction Co., Harlan.  
 Winneshiek Co-op Association, Decorah.

## KANSAS

Burdett Livestock Sales Co., Burdett.  
 Chetopa Community Sale, Chetopa.  
 Fred Doll Livestock Sales Co., Larned.  
 Hesston Sales Co., Hesston.  
 McIntosh Auction, Peabody.  
 Rexford Livestock Commission Co., Meade.

## KENTUCKY

Monticello Stockyards, Monticello.  
 Washington County Stockyards, Springfield.

## LOUISIANA

Harris & Stutson Commission Co., Ferriday.  
 Miller-Dominique, Elton.

## MISSISSIPPI

Stiles, Raymond F., Sturgis.

## MISSOURI

Alton Sales Co., Alton.  
 Callao Sale Barn, Callao.  
 Centralia Livestock Sales Co., Centralia.  
 Saline County Sale Co., Marshall.

## NEBRASKA

Scottsbluff Livestock Commission Co., Scottsbluff.

## NEVADA

Fallon Sales Yard, Fallon.

## NEW YORK

Agett & Law Commission Market, Ischua.  
 Dryden Livestock Sales, Dryden.  
 Sauquoit Valley Livestock Exchange, Cassville.  
 Tully Valley Livestock Market, Apulia Station.

## OKLAHOMA

Muskogee Stockyards Co., Muskogee.  
 Osage County Sale, Fairfax.  
 Tahlequah Sales Barn, Tahlequah.

## OREGON

Brahs Auction Market, Corvallis.  
 Forest Grove Auction, Forest Grove.  
 Ontario Livestock Commission Co., Ontario.

## PENNSYLVANIA

Barnsley Sales, Oxford.  
 Krumsville Livestock Auction, Krumsville.  
 Kennett Auction Co., Inc., Kennett Square.  
 Leesport Livestock Market, Leesport.  
 Quakertown Sales Co., Quakertown.  
 Teel & Bunnell Auction Sales, Tunkhannock.

## SOUTH DAKOTA

Bowdle Livestock Commission Co., Bowdle.  
 Herreid Livestock Commission Co., Herreid.  
 Mobridge Commission Co., Inc., Mobridge.  
 Tri County Commission Co., Inc., Faith.

## TENNESSEE

Farmer's Livestock Exchange, Tiptonville.  
 Troy Stockyards, Troy.

## TEXAS

Hereford Livestock Auction, Hereford.  
 Mid West Feed Yards, San Angelo.  
 San Angelo Livestock Auction Co., San Angelo.

## § 78.15 [Amendment]

3. Section 78.15(b), listing specifically approved slaughtering establishments, is amended by deleting the following items under the headings specified:

## ARKANSAS

City Abattoir, Fort Smith.  
 Finkbeiner Packing Co., Pine Bluff.  
 Mo-Ark Packing Co., Harrison.  
 Saline Packing Co., Benton.  
 Stephens Meat Co., Pine Bluff.  
 Sutherland Slaughter House, Springdale.  
 Wards Packing Co., Texarkana.

## CALIFORNIA

Sierra Dressed Meat Co., Auburn.

## DELAWARE

Wessel, Harry, Wyoming.

## FLORIDA

Brock & Burdeshaw Packing Co., Pensacola.  
 Farris & Co., Jacksonville.  
 Hendry Brothers Packing Co., Tampa.  
 Hygrade Food Products Corp., Hialeah.  
 Oakland Meat Packing, Ft. Lauderdale.  
 Register Meat Co., Cottondale.

## GEORGIA

Bullards Sausage Plant, Summerville.

## IDAHO

B & M Packing Co., Burley.  
 Tiffany Meat Packers, Nampa.

## ILLINOIS

Prairie Packing Co., Marion.  
 Prairie Packing Co., Carlinville.

## IOWA

Hillman's Packing Plant, Marshalltown.  
 Lamoni Packing Company, Lamoni.

## INDIANA

Auburn Packing Plant, Auburn.  
 Bickmeier & Son, Boonville.  
 Columbia Packing Co., Inc., Hammond.  
 Denver Locker Plant, Denver.  
 Dimett Packing Company, Kokomo.  
 Gerber Supermarket, Inc., Decatur.  
 Harris Packing Co., Sam, Crawfordsville.  
 Neal Packing Co., Crawfordsville.  
 Quick Freeze Locker Service, Madison.  
 Shinn Slaughterhouse, Mentone.  
 Stahl Packing Co., Evansville.  
 Wolf Packing Co., LaPorte.  
 Westfield Frozen Foods, Westfield.

## KANSAS

B & W Packing Plant, Colby.  
 Houlton Packing Co., Abilene.

## KENTUCKY

Layer Packing Company, C. W., Louisville.

## NEW JERSEY

Gottlieb & Sons, Inc., P. A., Camden.  
 Hartman, J. H. & H. E. Trenton.  
 Miller Brothers, Camden.  
 Struble, Inc., O. W., Newton.  
 William L. Burch, Vineland.

## NEW YORK

Bender, Elmer & Son, Buffalo.  
 Dunning's Slaughterhouse, Howell.  
 Golde Packing Co., Tonawanda.  
 Malecki, Joseph Inc., Buffalo.  
 Olean Cold Storage Co., Inc., Olean.  
 Samiof, David & Son, Albany.  
 Schmitt, J. J., & Co., Inc., Buffalo.  
 West, R. B., Co., Inc., Buffalo.  
 Kwialkowski Brothers, Buffalo.

## OHIO

Hall Brothers Inc., Olmsted Falls.  
 McMahon Packing Co., Marysville.  
 Springfield Meat Co., Springfield.

## OKLAHOMA

Southeastern Packing Co., Durant.

## OREGON

Community Market, Enterprise.  
 Culver Meat Plant, Bandon.  
 Culver Packing Co., Culver.  
 Grants Pass Provision Co., Grants Pass.  
 Heppner Slaughter House, Heppner.  
 La Grande Market, La Grande.  
 Lamonta Packing Co., Prineville.  
 McVay, Archie, Brookings.  
 Peterson, Gerald, North Powder.  
 Polar Cold Co., Medford.  
 Roseburg Meat Co., Roseburg.  
 Valley Sausage Co., La Grande.

## PENNSYLVANIA

Baum's Meat Packing Co., Lansdale.  
 Fried & Reineman Packing Co., Pittsburgh.  
 Lancaster Packing Co., Lancaster.  
 Moyer & Sons, A. F., Souderton.  
 Nasers Home Dressed Meats, Greensburg.

## RHODE ISLAND

Pezza Slaughter House, Johnston.

## TEXAS

Goode Slaughtering, Denison.

## WASHINGTON

A & W Packing Co., Inc., Moses Lake.  
 Colfax Market, Colfax.  
 Excel Sausage & Meat Co., Spanaway.  
 Martin's Meat & Livestock, Goldendale.  
 Stolls Packing, Rosalia.

## WISCONSIN

Polar Locker, LaCrosse.

(Secs. 4, 5, 23 Stat. 32, as amended, secs. 1, 2, 32 Stat. 791-792, as amended, sec. 3, 33 Stat. 1265, as amended, sec. 13, 65 Stat. 693, 21 U.S.C. 111-113, 114a-1, 120, 121, 123; 19 F.R. 74, as amended; 9 CFR 78.16)

**Effective date.** The foregoing amendment shall become effective upon publication in the FEDERAL REGISTER.

The amendment adds certain additional areas to those designated as modified certified brucellosis-free areas, which additional areas have been determined to come within the definition of § 78.1(i). The amendment also deletes certain stockyards and slaughtering establishments specifically approved under this part because it has been determined that such stockyards and slaughtering establishments no longer qualify for such approval under the regulations.

The amendment imposes certain restrictions necessary to prevent the spread of brucellosis in cattle and should be made effective promptly in order to accomplish its purpose in the public interest. Accordingly, under section 4 of the Administrative Procedure Act (5 U.S.C. 1003), it is found upon good cause that notice and other public procedure with respect to the amendment are impracticable and contrary to public interest, and good cause is found for making the amendment effective less than 30 days after publication in the FEDERAL REGISTER.

Done at Washington, D.C., this 12th day of June 1959.

E. E. SAULMON,  
*Acting Director, Animal Disease  
 Eradication Division, Agricultural  
 Research Service.*

[F.R. Doc. 59-5045; Filed, June 17, 1959;  
 8:50 a.m.]

## SUBCHAPTER K—HUMANE SLAUGHTER OF LIVESTOCK

## PART 180—DESIGNATION OF METHODS

## Correction

In F.R. Document 59-1724 appearing in the issue for Tuesday, March 3, 1959, at page 1549, the next to the last paragraph before the signature should read as follows:

The designations shall become effective for purposes of section 3 of the Act on June 30, 1960.

## Title 16—COMMERCIAL PRACTICES

## Chapter I—Federal Trade Commission

[Docket 7295 c.o.]

## PART 13—DIGEST OF CEASE AND DESIST ORDERS

## Berdan Furs

**Subpart—Advertising falsely or misleadingly:** § 13.15 *Business status, advantages, or connections:* Producer status of dealer or seller: *Manufacturer;* retailer as wholesaler, jobber or factory distributor; § 13.155 *Prices:* Exaggerated as regular and customary; retail as cost, etc., or discounted. **Subpart—Invoicing products falsely:** § 13.1108 *Invoicing products falsely:* Fur Products Labeling Act. **Subpart—Neglecting, unfairly or deceptively, to make material disclosure:** § 13.1852 *Formal regulatory and statutory requirements:* Fur Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; sec. 8, 65 Stat. 179; 15 U.S.C. 45, 69f) [Cease and desist order, Daniel Lieberman et al. trading as Berdan Furs, Philadelphia, Pa., Docket 7295, May 19, 1959]

*In the Matter of Daniel Lieberman and Bernard Koff, Individually and as Copartners Trading as Berdan Furs, and Formerly Officers of Berdan Furs, Inc., a Corporation*

This proceeding was heard by a hearing examiner on the complaint of the Commission charging furriers in Philadelphia, Pa., with violating the Fur Products Labeling Act by failing to comply with the invoicing requirements; by advertising in catalogs, cards, signs, and by other means which represented prices falsely to be "wholesale" or reduced from purported regular prices which were in fact fictitious or manufacturer's suggested retail prices, which represented themselves falsely as wholesalers or manufacturers of fur products, and which named other animals than those producing the fur in certain products; and by failing to maintain adequate records as a basis for said pricing claims.

After acceptance of an agreement for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on May 19 the decision of the Commission.

The order to cease and desist is as follows:

*It is ordered,* That respondents Daniel Lieberman and Bernard Koff, individually and as copartners trading as Berdan Furs, or under any other name, and formerly officers of Berdan Furs, Inc., a bankrupt corporation, and respondents' representatives, agents, and employees, directly or through any corporate or other device, in connection with the introduction into commerce, or the sale, advertising, or offering for sale in commerce, or the transportation or distribution in commerce of any fur product,

or in connection with the sale, advertising, offering for sale, transportation, or distribution of any fur product which is made in whole or in part of fur which has been shipped and received in commerce, as "commerce," "fur," and "fur product" are defined in the Fur Products Labeling Act, do forthwith cease and desist from:

1. Falsely or deceptively invoicing fur products by:

A. Failing to furnish invoices to purchasers of fur products showing:

(1) The name or names of the animal or animals producing the fur or furs contained in the fur products as set forth in the Fur Products Name Guide and as prescribed under the rules and regulations;

(2) That the fur product contains or is composed of used fur, when such is the fact;

(3) That the fur product contains or is composed of bleached, dyed, or otherwise artificially colored fur, when such is the fact;

(4) That the fur product is composed in whole or in substantial part of paws, tails, bellies, or waste fur, when such is the fact;

(5) The name and address of the person issuing such invoice;

(6) The name of the country of origin of any imported furs contained in a fur product;

(7) The item number or mark assigned to a fur product.

B. Setting forth information required under section 5(b)(1) of the Fur Products Labeling Act and the rules and regulations promulgated thereunder in abbreviated form.

2. Falsely or deceptively advertising fur products through the use of any advertisement, representation, public announcement, or notice which is intended to aid, promote, or assist, directly or indirectly, in the sale, or offering for sale of fur products, and which:

A. Represents directly or by implication that prices of fur products are "Wholesale prices", when such is not the fact.

B. Represents directly or by implication that the regular or usual price of any fur product is any amount which is in excess of the price at which respondents have usually and customarily sold such products in the recent regular course of business.

C. Represents directly or by implication that a designated retail price is the manufacturer's suggested retail price, when such is not the fact, or otherwise using a fictitious price in connection with the advertising or offering for sale of a fur product.

D. Represents directly or by implication that respondents are wholesalers of fur products, when such is not the fact.

E. Represents directly or by implication that respondents are manufacturers of fur products, when such is not the fact.

F. Sets forth the name or names of any animal or animals other than the name or names specified in section



5(a)(1) of the Fur Products Labeling Act.

3. Making price claims and representations referred to in subparagraphs A, B and C of Paragraph 2 hereof unless there are maintained by respondents full and adequate records disclosing the facts upon which such claims and representations are based as required by Rule 44(e) of the rules and regulations.

By "Decision of the Commission", etc., report of compliance was required as follows:

*It is further ordered*, That the respondents shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order contained in said initial decision.

Issued: May 19, 1959.

By the Commission.

[SEAL] ROBERT M. PARISH,  
Secretary.

[F.R. Doc. 59-5019; Filed June 17, 1959;  
8:46 a.m.]

## Title 17—COMMODITY AND SECURITIES EXCHANGES

### Chapter II—Securities and Exchange Commission

#### PART 230—RULES AND REGULA- TIONS, SECURITIES ACT OF 1933

##### Summary Prospectuses

On February 16, 1959, the Securities and Exchange Commission invited public views, and comments on a proposed amendment to Rule 434A (§ 230.434a) under the Securities Act of 1933. This rule provides for the use of summary prospectuses which omit in part or summarize information required to be set forth in the more complete prospectus required to be used in connection with the offering and sale of securities.

The Commission has considered all of the views and comments submitted and has adopted the amendment with certain modifications made in the light of such views and comments.

The rule as previously in effect limited the use of summary prospectuses to registrants which file reports under sections 13 and 15(d) of the Securities Exchange Act of 1934. The amended rule permits the use of summary prospectuses by certain other registrants which do not file such reports but which meet certain standards as to size, earnings and the publication of reports.

The amendment is in the form of a revision of paragraph (a) of Rule 434A (§ 230.434a(a)) which, as amended, reads as follows:

§ 230.434a, Summary prospectuses.

(a) A summary prospectus prepared and filed as a part of a registration statement in accordance with this section shall be deemed to be a prospectus permitted under section 10(b) of the Act for the purpose of section 5(b)(1) of the Act if the form used for registration of

the securities to be offered provides for the use of a summary prospectus and if either of the following conditions is met:

(1) At the time the registration statement is filed, the registrant is required to file periodic reports with the Commission pursuant to section 13 or 15(d) of the Securities Exchange Act of 1934; or

(2) The registrant (i) has net assets of at least \$5,000,000 as shown by the latest balance sheet filed with the registration statement; (ii) has filed profit and loss or income statements with the registration statement for a period of at least three full fiscal years and has been engaged in substantially the same business during the period covered by such statements; (iii) has had a net income of at least \$500,000 for each of its last three fiscal years; and (iv) has distributed to its stockholders and made available to the public generally an informative annual report for each of its last three fiscal years which report included a profit and loss or income statement and appropriate statements of surplus for such year, and a balance sheet as of the end of such year, all prepared in accordance with generally accepted accounting principles and practices and certified in accordance with generally accepted auditing standards. Copies of such report shall be furnished for the information of the Commission at the time the registration statement is filed. The amounts specified in subdivisions (i) and (iii) of this subparagraph shall be based on consolidated financial statements if such statements are filed. Notwithstanding the foregoing, subdivision (iv) of this subparagraph shall not apply in a particular case if the Commission determines, upon a showing of good cause, that the use of a summary prospectus would not be inappropriate.

The foregoing amendment is adopted pursuant to the Securities Act of 1933, particularly sections 6, 7, 10 and 19(a) thereof.

Since the use of summary prospectuses is not mandatory but is optional with registrants filing under the Act, the foregoing amendment shall be effective with respect to securities covered by registration statements filed on or after July 1, 1959.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

JUNE 11, 1959.

[F.R. Doc. 59-5030; Filed, June 17, 1959;  
8:47 a.m.]

## Title 19—CUSTOMS DUTIES

### Chapter I—Bureau of Customs, Department of the Treasury

[T.D. 54872]

#### PART 31—CUSTOMHOUSE BROKERS Miscellaneous Amendments

It is deemed advisable to provide a definition of the term "freight forwarder" and to clarify certain provisions of the regulations relating to marine transactions for which no license is required,

and to financial accounting involving freight forwarders. To accomplish these purposes, the customs regulations are amended as set forth below:

1. Section 31.3 is amended by adding a new paragraph (f) reading as follows:

(f) "Freight forwarder" means any person engaged in the business of dispatching shipments on behalf of other persons for a consideration, in foreign commerce between the United States, its territories or possessions, and foreign countries, and of handling the formalities incident to such shipments.

2. Section 31.8(c) is amended to read:

(c) *Marine transactions.* A person transacting business in connection with entry, clearance, or documentation of vessels or other regulation of vessels under the navigation laws is not required to be licensed as a customhouse broker.

3. Section 31.10 is amended as follows:

a. Subdivision (ii) of paragraph (b) (1) is amended by changing the semicolon at the end thereof to a period and adding the following sentence: "If, on the other hand, such fees and charges are to be collected by or through the customhouse broker, he shall transmit directly to the importer a statement of his bill of charges and an itemized list of any charges to be collected for the account of the freight forwarder."

b. Paragraph (b)(2) is amended by changing the period at the end thereof to a comma and adding "except where the merchandise was purchased for delivery on an all free basis."

(R.S. 161, 251, secs. 624, 641, 46 Stat. 759, as amended; 5 U.S.C. 22, 19 U.S.C. 66, 1824, 1841)

Notice of proposed rule making was published in the FEDERAL REGISTER of June 7, 1957 (22 F.R. 4030). After full consideration of the data and views submitted, the above amendments are hereby adopted. These amendments shall become effective upon the expiration of 30 days after the date of publication in the FEDERAL REGISTER.

[SEAL] RALPH KELLY,  
Commissioner of Customs.

Approved: June 12, 1959.

A. GILMORE FLUES,  
Acting Secretary of the Treasury.

[F.R. Doc. 59-5053; Filed, June 17, 1959;  
8:51 a.m.]

## Title 29—LABOR

### Subtitle A—Office of the Secretary of Labor

[Child Labor Reg. 40]

#### PART 4—CHILD LABOR REGULA- TIONS, ORDERS AND STATEMENTS OF INTERPRETATION

##### Subpart B—Acceptance of State Certificates

##### DESIGNATION OF STATES; EXTENSION OF EFFECTIVE DATE

Pursuant to the provisions of 29 CFR Subtitle A, Part 4, Subpart A (Child Labor Regulation No. 1), § 4.6, the des-

ignation of the States enumerated in § 4.21 of 29 CFR Subtitle A, Part 4, Subpart B, as States in which state age, employment or working certificates or permits shall have the same force and effect as Federal certificates of age under the Fair Labor Standards Act of 1938, as amended (52 Stat. 1060, as amended; 29 U.S.C. 201 et seq.), is hereby extended and shall be effective from July 1, 1959, until June 30, 1960, unless amended or revoked prior to such date.

(Secs. 3, 11, 52 Stat. 1060, as amended, 1066, as amended; 29 U.S.C. 203, 211)

Signed at Washington, D.C., this 11th day of June 1959.

JAMES T. O'CONNELL,  
Under Secretary of Labor.

[F.R. Doc. 59-5026; Filed, June 17, 1959;  
8:47 a.m.]

## Title 32—NATIONAL DEFENSE

### Chapter XVII—Office of Civil and Defense Mobilization

#### PART 1709—OFFICIAL FEDERAL CIVIL DEFENSE ADMINISTRATION SEAL

##### Revocation

Because Executive Order 10350, which created an official seal for the Federal Civil Defense Administration, was revoked by Executive Order 10773, issued in implementation of Reorganization Plan No. 1 of 1958, which consolidated the former Federal Civil Defense Administration and the Office of Defense Mobilization, regulations governing use of the seal are no longer applicable; and Part 1709 is hereby revoked.

(Sec. 401, 64 Stat. 1254; 50 U.S.C. App. 2253)

Dated: June 10, 1959.

LEO A. HOEGH,  
Director.

[F.R. Doc. 59-5012; Filed, June 17, 1959;  
8:45 a.m.]

## Title 33—NAVIGATION AND NAVIGABLE WATERS

### Chapter I—Coast Guard, Department of the Treasury

#### SUBCHAPTER N—ARTIFICIAL ISLANDS AND FIXED STRUCTURES ON THE OUTER CONTINENTAL SHELF

[CGFR 59-15]

#### PART 146—OPERATIONS

##### Person in Charge of a Manned Platform, Emergency Signals, and Work Vests

Pursuant to the notice of proposed rule making published in the FEDERAL REGISTER on April 9, 1959 (24 F.R. 2742-2751), and Merchant Marine Council Public Hearing Agenda CG-249, dated April 27, 1959, the Merchant Marine Council held a Public Hearing on April

27, 1959, for the purpose of receiving comments, views and data. The proposals considered were identified as Items I to XII, inclusive. The proposed regulations regarding the person in charge of a manned platform and emergency signals were set forth in detail as Item XII in the Addendum of the Agenda, CG-249, as well as in the previously mentioned FEDERAL REGISTER of April 9, 1959. The proposed regulations to govern the use of work vests were set forth in detail as Item VII in the Agenda, CG-249.

This document is the fourth of a series covering the regulations and actions considered at the April 27, 1959, Public Hearing and annual session of the Merchant Marine Council. The first document, CGFR 59-17, contains the actions taken with respect to Item VIII regarding power-operated industrial trucks. The second document, CGFR 59-20, contains the actions taken with respect to Item XI regarding suspension or revocation proceedings involving licenses, certificates or documents issued to individuals. The third document, CGFR 59-16, contains the final actions taken with respect to Item X regarding licensing or certificating of seamen, motorboat operators, or staff officers.

This document contains the final actions taken with respect to the proposals in Item XII regarding the person in charge on an artificial island or fixed structure and the emergency signals. No comments were submitted with respect to this Item. The proposed regulations in Item XII are adopted without change.

This document also contains the final actions taken with respect to the comments submitted on Item VII regarding the use of work vests on offshore artificial islands and fixed structures. It was pointed out that the same hazards apply to personnel working near or over the water on artificial islands or fixed structures as applied to personnel working "around docks or over the sides of the ship, etc." Therefore, permission to use approved unicellular plastic foam work vests as optional equipment is granted under similar conditions which apply to their use on inspected vessels.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 167-15, dated January 3, 1955 (20 F.R. 840), and 167-17 dated June 29, 1955 (20 F.R. 4976), to promulgate regulations in accordance with the statutes cited with the regulations below, the following regulations are prescribed and shall become effective 90 days after the date of publication of this document in the FEDERAL REGISTER:

##### Subpart 146.01—Special Operating Requirements

1. Subpart 146.01 is amended by inserting a new § 146.01-2 to follow § 146.01-1, reading as follows:

##### § 146.01-2 Person in charge.

The owner or operator, or the agent of either of them, shall designate by title

and in order of succession the persons on the platform who shall be the "person in charge."

2. Subpart 146.01 is amended by inserting a new § 146.01-17 to follow § 146.01-15, reading as follows:

##### § 146.01-17 Work vests.

(a) *Approved unicellular plastic foam.* Buoyant work vests carried under the permissive authority of this section shall conform to the specifications in Subpart 160.053 in subchapter Q (Specifications) in 46 CFR, Chapter I.

(b) *Use.* Approved buoyant work vests are considered to be items of safety apparel and may be carried aboard artificial islands or fixed structures to be worn by persons employed thereon when working near or over the water under favorable work conditions. The use and control of such vests shall be under the supervision of the person in charge of the platform. When carried, such vests shall not be accepted in lieu of any portion of the required number of approved life preservers and shall not be substituted for the approved life preservers required to be worn during drills and emergencies.

(c) *Stowage.* (1) The work vests shall be stowed separately from the regular stowage of approved life preservers.

(2) The location for the stowage of work vests shall be such as not to be easily confused with that for approved life preservers.

(d) *Inspections.* Each work vest shall be subject to examination by a marine inspector to determine its serviceability. If found to be satisfactory, it may be continued in service, but shall not be stamped by a marine inspector with a Coast Guard stamp. If a work vest is found not to be in a serviceable condition, then such work vest shall be removed from the artificial island or fixed structure. If a work vest is beyond repair, it shall be destroyed or mutilated in the presence of a marine inspector so as to prevent its continued use as a work vest.

##### Subpart 146.05—Manned Platforms

3. Section 146.05-10 is amended to read as follows:

##### § 146.05-10 Emergency signals.

(a) The owner, or his agent, or the person in charge shall establish emergency signals to be used for calling the personnel to their emergency stations.

(b) The emergency signal shall be an intermittent signal on the general alarm system for not less than 15 seconds. The abandon platform signal shall be a continuous signal on the general alarm system.

(Sec. 633, 63 Stat. 545; 14 U.S.C. 633. Interprets or applies sec. 4, 67 Stat. 462; 43 U.S.C. 1333)

Dated: June 4, 1959.

[SEAL] A. C. RICHMOND,  
Vice Admiral, U.S. Coast Guard,  
Commandant.

[F.R. Doc. 59-5052; Filed, June 17, 1959;  
8:51 a.m.]



# Title 37—PATENTS, TRADE-MARKS, AND COPYRIGHTS

## Chapter II—Copyright Office, Library of Congress

### PART 201—GENERAL PROVISIONS

#### PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT

Notice of proposed rule making was published in the FEDERAL REGISTER of May 2, 1959, at page 3545. Interested persons were invited to submit written comments, suggestions, or objections with respect to the proposed revision within thirty days of the date of publication in the FEDERAL REGISTER. After consideration of the responses received, Parts 201 and 202 of the regulations are adopted as set forth below, effective upon publication in the FEDERAL REGISTER.

Dated: June 12, 1959.

[SEAL] ARTHUR FISHER,  
Register of Copyrights.

Approved,

L. QUINCY MUMFORD,  
Librarian of Congress.

### PART 201—GENERAL PROVISIONS

Sec.

201.1 Communications with the Copyright Office.

201.2 Information given by the Copyright Office.

201.3 Catalog of Copyright Entries.

201.4 Assignments of copyright and other papers.

201.5 Amendments to completed Copyright Office registrations and other records.

201.6 Payment and refund of Copyright Office fees.

201.7 Preparation of catalog card.

201.8 Import statements.

AUTHORITY: §§ 201.1 to 201.8 issued under sec. 207.61 Stat. 666; 17 U.S.C. 207..

#### § 201.1 Communications with the Copyright Office.

Mail and other communications shall be addressed to the Register of Copyrights, Library of Congress, Washington 25, D.C.

#### § 201.2 Information given by the Copyright Office.

(a) *In general.* (1) Information relative to the operations of the Copyright Office is supplied without charge. A search of the records, indexes and deposits will be made for such information as they may contain relative to copyright claims upon application and payment of the statutory fee. The Copyright Office, however, does not undertake the making of comparisons of copyright deposits to determine similarity between works, nor does it give legal opinions or advice on such matters as:

(i) The validity or status of any copyright other than the facts shown in the records of the Office;

(ii) The rights of persons, whether in connection with cases of alleged copyright infringement, contracts between authors and publishers or other matters of a similar nature;

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(iii) The scope and extent of protection of works in foreign countries or interpretation of foreign copyright laws or court opinions;

(iv) The sufficiency, extent or scope of compliance with the copyright law.

(2) In addition, the Office cannot undertake to furnish the names of copyright attorneys, publishers, agents, or other similar information.

#### (b) *Inspection and copying of records.*

(1) Inspection and copying of completed records and indexes relating to a registration or a recorded document, and inspection of copies deposited in connection with a completed copyright registration, may be undertaken at such times as will not result in interference with or delay in the work of the Copyright Office.

(2) The copying from the Copyright Office records of names and addresses for the purpose of compiling mailing lists and other similar uses is expressly prohibited.

(c) *Correspondence.* (1) Official correspondence, including preliminary applications, between copyright claimants or their agents and the Copyright Office, and directly relating to a completed registration or to a recorded document, is made available for inspection by persons properly and directly concerned. Requests for photocopies of the correspondence shall be made pursuant to paragraph (d) of this section.

(2) (i) Correspondence, application forms and any accompanying material forming a part of a pending or rejected application are not records which are open to public inspection under paragraph (b) of this section.

(ii) Inspection of such files may be afforded upon presentation of written authorization of the claimant or his agent, or upon submission to the Register of Copyrights, Library of Congress, Washington 25, D.C., of a written request which is deemed by him to show good cause for such access and which establishes that the person making the request is one properly and directly concerned.

(iii) Where such access is authorized and photocopies of the official file are subsequently requested, the conditions and procedures of paragraph (d) of this section are controlling.

(3) Correspondence, memoranda, reports, opinions, and similar material relating to internal management, office administration, security matters, and general policy and decisional material, including the work product of an attorney, are not open to public inspection.

(4) The Copyright Office will return unanswered any abusive or scurrilous correspondence.

(d) *Requests for copies.* (1) Requests for additional certificates of registration should be sent to the Copyright Office, and the accompanying fees should be made payable to the Register of Copyrights.

(2) Requests for photocopies of copyright deposits, official correspondence, and Copyright Office records (other than additional certificates of registration) should be sent to the Chief, Photoduplication Service, Library of Congress, Washington 25, D.C., the accompanying fees in payment of such services being made payable to that official. When the

photocopy is to be certified by the Copyright Office, the additional certification fee should be made payable to the Register of Copyrights and both remittances together with the transmittal letter are to be sent to the Copyright Office.

(3) Requests for photocopies of official correspondence shall identify the specific material desired and shall contain a statement enabling the Copyright Office to determine if the writer is properly and directly concerned.

(4) Requests for photocopies of copyright deposits will be granted when one or more of the following conditions are fulfilled:

(i) *Authorization by owner.* When authorized in writing by the copyright owner or his designated agent.

(ii) *Request by attorney.* When required in connection with litigation, actual or prospective, in which the copyrighted work is involved; but in all such cases the attorney representing the actual or prospective plaintiff or defendant for whom the request is made shall give in writing: (a) The names of the parties and the nature of the controversy; (b) the name of the court where the action is pending, or, in the case of a prospective proceeding, a full statement of the facts of the controversy in which the copyrighted work is involved; and (c) satisfactory assurances that the requested copy will be used only in connection with the specified litigation.

(iii) *Court order.* When an order to have the copy made is issued by a court having jurisdiction of a case in which the copy is to be submitted as evidence.

#### § 201.3 Catalog of Copyright Entries.

The current subscription price for all parts of the complete yearly Catalog of Copyright Entries is \$20.00. Each part of the Catalog is published in two semi-annual numbers covering, respectively, the periods January-June and July-December. The prices given in the list below are for each semiannual number. The Catalog may be obtained, upon payment of the established price, from the Register of Copyrights, Library of Congress, Washington 25, D.C., to whom requests for copies should be addressed and to whom the remittance should be made payable.

Part 1—Books and Pamphlets Including Serials and Contributions to Periodicals, \$2.50.

Part 2—Periodicals, \$1.00.

Parts 3-4—Dramas and Works Prepared for Oral Delivery, \$1.00.

Part 5—Music, \$3.50.

Part 6—Maps and Atlases, \$0.50.

Parts 7-11A—Works of Art, Reproductions of Works of Art, Scientific and Technical Drawings, Photographic Works, Prints and Pictorial Illustrations, \$1.00.

Part 11B—Commercial Prints and Labels, \$1.00.

Part 12-13—Motion Pictures and Filmstrips, \$0.50.

#### § 201.4 Assignments of copyright and other papers.

Assignments of copyright and other papers relative to copyrights will be recorded in the Copyright Office upon payment of the statutory fee. Examples of such papers include powers of attorney, licenses to use a copyrighted work, agreements between authors and publishers

covering a particular work or works and the rights thereto, mortgages, certificates of change of corporate title, wills, and decrees of distribution. The original, signed instrument should be submitted for recordation, and is returned to the sender with a certificate of record. Where the original instrument is not available, a certified or other copy may be submitted, but it shall be accompanied by a statement that the original is not available.

**§ 201.5 Amendments to completed Copyright Office registrations and other records.**

(a) *No cancellations.* No correction or cancellation of a Copyright Office registration or other record will be made (other than a registration or record provisional upon receipt of fee as provided in § 201.6) after it has been completed if the facts therein stated agree with those supplied the Office for the purpose of making such record. However, it shall be within the discretion of the Register of Copyrights to determine if any particular case justifies the placing of an annotation upon any record for the purpose of clarification, explanation, or indication that there exists elsewhere in the records, indexes or correspondence files of the Office, information which has reference to the facts as stated in such record.

(b) *Correction by new registration.* In exceptional cases, where an applicant desires to correct, amend or amplify a registration previously made in accordance with information furnished by a claimant or his agent, a new application indicating its amendatory purpose shall be filed, accompanied by the statutory fee and the same number of copies required for a new application. Where it is satisfactorily established that copies of the original work cannot be obtained for submission, photostat or microfilm copies of the original may be submitted.

**§ 201.6 Payment and refund of Copyright Office fees.**

(a) *In General.* All fees sent to the Copyright Office should be in the form of a money order, check or bank draft payable to the Register of Copyrights. Coin or currency sent to the Office in letters or packages will be at the remitter's risk. Remittances from foreign countries should be in the form of an International Money Order or Bank Draft payable and immediately negotiable in the United States for the full amount of the fee required. Uncertified checks are accepted subject to collection. Where the statutory fee is submitted in the form of a check, the registration of the copyright claim or other record made by the Office is provisional until payment in money is received. In the event the fee is not paid, the registration or other record shall be expunged.

(b) *Deposit accounts.* Persons or firms having a considerable amount of business with the Copyright Office may, for their own convenience, prepay copyright expenses by establishing a Deposit Account.

(c) *Refunds.* Money paid for applications which are rejected or payments

made in excess of the statutory fee will be refunded, but amounts of twenty-five cents or less will not be returned unless specifically requested and such sums may be refunded in postage stamps. All larger amounts will be refunded by check.

(d) *Return of deposit copies.* Copies of works deposited in the Copyright Office pursuant to law are either retained in the Copyright Office, transferred for the permanent collections or other uses of the Library of Congress, or disposed of according to law. When an application is rejected, the Copyright Office reserves the right to retain the deposited copies.

**§ 201.7 Preparation of catalog card.**

The catalog card which may accompany a work of foreign origin, as provided in section 215 of title 17, U.S. Code, as amended, may be a catalog card supplied by a library in the country of publication. In lieu of such a card the applicant may prepare his own card, or may fill out the form supplied by the Copyright Office. The catalog card should contain the full name of the author of the original work, title and description from the title page, paging, copyright claimant, the city and year of publication, and the names of all other authors, editors, etc., whom the applicant considers of sufficient importance to record. When available, the year of birth of each author named should be given. If the form furnished by the Office is not used, the size of the card should preferably be 5 inches wide by 3 inches deep or 12.5 centimeters wide by 7.5 centimeters deep. The Register of Copyrights reserves the right to accept catalog cards not complying with the above requirements.

**§ 201.8 Import statements.**

(a) The Copyright Office will issue import statements for books and periodicals first published abroad in the English language which are to be imported under the provisions of section 16 of title 17, U.S. Code, as amended. A statement for the importation of 1,500 copies will be issued to the person named in the application for ad interim copyright registration. The holder of this statement shall present it to the customs officer in charge of the port of entry. Upon receipt of a statement from the customs officer, showing importation of less than 1,500 copies, a new statement will be issued for the balance.

(b) The provisions in the Customs Regulations covering the use of the import statement (Copyright Office Form C-85) are found in 19 CFR 11.21 (21 F.R. 2517).

## PART 202—REGISTRATION OF CLAIMS TO COPYRIGHT

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**AUTHORITY:** §§ 202.1 to 202.18 issued under sec. 207.61 Stat. 606; 17 U.S.C. 207.

**§ 202.1 Material not subject to copyright.**

The following are examples of works not subject to copyright and applications for registration of such works cannot be entertained:

(a) Words and short phrases such as names, titles, and slogans; familiar symbols or designs; mere variations of typographic ornamentation, lettering or coloring; mere listing of ingredients or contents;

(b) Ideas, plans, methods, systems, or devices, as distinguished from the particular manner in which they are expressed or described in a writing;

(c) Works designed for recording information which do not in themselves convey information, such as, time cards, graph paper, account books, diaries, bank checks, score cards, address books, report forms, order forms and the like;

(d) Works consisting entirely of information that is common property containing no original authorship, such as, for example: Standard calendars, height and weight charts, tape measures and rulers, schedules of sporting events, and lists or tables taken from public documents or other common sources.

**§ 202.2 Copyright notice.**

(a) *General.* (1) With respect to a published work, copyright is secured, or the right to secure it is lost, at the date of publication, i.e., the date on which copies are first placed on sale, sold, or publicly distributed, depending upon the adequacy of the notice of copyright on the work at that time.

(2) If publication occurs by distribution of copies or in some other manner, without the statutory notice or with an inadequate notice, the right to secure copyright is lost. In such cases, copyright cannot be secured by adding the notice to copies distributed at a later date.

(3) Works first published abroad, other than works eligible for ad interim registration, must bear an adequate copyright notice at the time of their first publication in order to secure copyright under the law of the United States.

(b) *Defects in notice.* Where the copyright notice does not meet the requirements of the law, the Copyright Office will reject an application for copyright registration. Common defects in the notice include, among others, the following:

(1) The notice lacks one or more of the necessary elements (i.e., the word "Copyright", the abbreviation "Copr.", or the symbol ©; the name of the copyright proprietor; or, when required, the year date of publication);

(2) The elements of the notice are dispersed;

(3) The notice is not in one of the positions prescribed by law;

(4) The notice is in a foreign language;

(5) The name in the notice is that of someone who had no authority to secure copyright in his name;

(6) The year date in the copyright notice is later than the date of the year in which copyright was actually secured, including the following cases:

(i) Where the year date in the notice is later than the date of actual publication;

(ii) Where copyright was first secured by registration of a work in unpublished form, and copies of the same work as later published without change in substance bear a copyright notice containing a year date later than the year of unpublished registration;

(iii) Where a book or periodical published abroad, for which ad interim copy has been obtained, is later published in the United States without change in substance and contains a year date in the copyright notice later than the year of first publication abroad:

*Provided, however,* That in each of the three foregoing types of cases, if the copyright was actually secured not more than one year earlier than the year date in the notice, registration may be considered as a doubtful case.

(7) A notice is permanently covered so that it cannot be seen without tearing the work apart;

(8) A notice is illegible or so small that it cannot be read without the aid of a magnifying glass: *Provided, however,* That where the work itself requires magnification for its ordinary use (e.g., a microfilm, microcard or motion picture) a notice which will be readable when so magnified, will not constitute a reason for rejection of the claim;

(9) A notice is on a detachable tag and will eventually be detached and discarded when the work is put in use;

(10) A notice is on the wrapper or container which is not a part of the work and which will eventually be removed and discarded when the work is put in use;

(11) The notice is restricted or limited exclusively to an uncopyrightable element, either by virtue of its position on the work, by the use of asterisks, or by other means.

### § 202.3 Application forms.

(a) *In general.* Section 5 of title 17 of the U.S. Code provides thirteen classes (Class A through Class M) of works in which copyright may be claimed. Examples of certain works falling within these classes are given in §§ 202.4 to 202.15 inclusive, for the purpose of assisting persons, who desire to obtain registration of a claim to copyright, to select the correct application form.

(b) *Claims of copyright.* (1) All works deposited for registration shall be

accompanied by a "claim of copyright" in the form of a properly executed application, together with the statutory registration fee. The Office reserves the right to refuse to accept any application that is a carbon copy, illegible, defaced, or otherwise not in an acceptable condition for examination and recording.

(2) Where these separate elements are not received simultaneously, the Copyright Office holds the submitted elements for a reasonable time and, in default of the receipt of the missing element or elements after a request made therefor, the submitted item or items may be returned to the sender. Such action does not constitute a waiver of the right of the Register of Copyrights pursuant to section 14, title 17, U.S. Code, to demand compliance with the deposit provisions of that title.

(3) Applications for copyright registration covering published works should reflect the facts existing at the time of first publication, and should not include information concerning changes that have occurred between the time of publication and registration. The name given as copyright claimant in the application should agree with the name appearing in the copyright notice.

(4) Applications should be submitted by the copyright claimant, or by someone acting under his authority.

(5) All information requested by the Copyright Office application form should be given in the appropriate spaces provided. There should not be attached to the application any slips of paper or extra pages containing additional information, or a continuation of requested information.

(c) *Forms.* The Copyright Office supplies without charge the following forms for use when applying for the registration of a claim to copyright in a work and for the filing of a notice of use of musical compositions on mechanical instruments.

Form A—Published book manufactured in the United States of America (Class A).

Form A-B Ad Interim—Book or periodical in the English language manufactured and first published outside the United States of America (Classes A-B).

Form A-B Foreign—Book or periodical manufactured outside the United States of America (except works subject to the ad interim provisions of the copyright law) (Classes A-B).

Form B—Periodical manufactured in the United States of America (Class B).

Form BB—Contribution to a periodical manufactured in the United States of America (Class B).

Form C—Lecture or similar production prepared for oral delivery (Class C).

Form D—Dramatic or dramatico-musical composition (Class D).

Form E—Musical composition the author of which is a citizen or domiciliary of the United States of America or which was published in the United States of America (Class E).

Form E Foreign—Musical composition the author of which is not a citizen or domiciliary of the United States of America and which was not first published in the United States of America (Class E).

Form F—Map (Class F).

Form G—Work of art or a model or design for a work of art (Class G).

Form H—Reproduction of a work of art (Class H).

Form I—Drawing or plastic work of a scientific or technical character (Class I).

Form J—Photograph (Class J).

Form K—Print or pictorial illustration (Class K).

Form KK—Print or label used for an article of merchandise (Class K).

Form L-M—Motion picture (Classes L-M).

Form R—Renewal copyright.

Form U—Notice of use of copyrighted music on mechanical instruments.

### § 202.4 Books (Class A).

(a) *Subject matter and forms.* This class includes such published works as fiction and nonfiction, poems, compilations, composite works, directories, catalogs, annual publications, information in tabular form, and similar text matter, with or without illustrations, as books, either bound or in loose-leaf form, pamphlets, leaflets, cards, single pages or the like. Applications for registration of claims to copyright in published books manufactured in the United States of America are made on Form A; in books manufactured outside of the United States of America, except those subject to ad interim provisions of the copyright law, on Form A-B Foreign; and in books in the English language manufactured and first published outside the United States of America, and subject to the ad interim provisions of the copyright law, on Form A-B Ad Interim.

(b) *Ad interim registrations.* (1) An American edition of an English-language book or periodical identical in substance to that first published abroad will not be registered unless an ad interim registration is first made.

(2) When a book or periodical has been registered under the ad interim provisions, an American edition of the same work, to be registrable, must be manufactured and published in the United States within five years after the date of first publication abroad.

(3) Since by law ad interim copyright expires at the end of the ad interim term unless an American edition is published during that term, a renewal application covering a work registered only under the ad interim provisions will be rejected. Where both an ad interim and an American edition have been registered, the registrability of the renewal application is governed by the date of the first publication abroad.

### § 202.5 Periodical (Class B).

This class includes such works as newspapers, magazines, reviews, bulletins, and serial publications, published at intervals or less than a year. Applications for registration of claims to copyright in published periodicals manufactured in the United States of America are made on Form B; in periodicals, or in contributions thereto, manufactured outside the United States of America, except those subject to the ad interim provision of the copyright law, on Form A-B Foreign; and in periodicals, or in contributions thereto, in the English language manufactured and first published outside of the United States of America, and subject to the ad interim provisions of the copyright law, on Form A-B Ad Interim. Applications for registration of claims to copyright in contributions to periodicals manufactured in the United

States of America are made on Form BB. Application for registration of claims to copyright in contributions to periodicals, which contributions are prints published in connection with the sale or advertisement of an article or articles of merchandise, are made on Form KK.

**§ 202.6 Lectures or similar productions prepared for oral delivery (Class C).**

This class includes the scripts of unpublished works prepared in the first instance for oral delivery, such as lectures, sermons, addresses, monologs, panel discussions, and variety programs prepared for radio or television. The script submitted for registration in Class C should consist of the actual text of the work to be presented orally. Formats, outlines, brochures, synopses, or general descriptions of radio and television programs are not registrable in unpublished form. When published with notice as prescribed by law, such works may be considered for registration as "books" in Class A.

**§ 202.7 Dramatic and (dramatico-musical compositions (Class D).**

This class includes published or unpublished works dramatic in character such as the acting version of plays for the stage, motion pictures, radio, television and the like, operas, operettas, musical comedies and similar productions, and pantomimes. Choreographic works of a dramatic character, whether the story or theme be expressed by music and action combined or by actions alone, are subject to registration in Class D. However, descriptions of dance steps and other physical gestures, including ballroom and social dances or choreographic works which do not tell a story, develop a character or emotion, or otherwise convey a dramatic concept or idea, are not subject to registration in Class D.

**§ 202.8 Musical compositions (Class E).**

(a) This class includes published or unpublished musical compositions in the form of visible notation (other than dramatico-musical compositions), with or without words, as well as new versions of musical compositions, such as adaptations or arrangements, and editing when such editing is the writing of an author. The words of a song, when unaccompanied by music, are not registrable in Class E.

(b) A phonograph record or other sound recording is not considered a "copy" of the compositions recorded on it, and is not acceptable for copyright registration. Likewise, the Copyright Office does not register claims to exclusive rights in mechanical recordings themselves, or in the performances they reproduce.

**§ 202.9 Maps (Class F).**

This class includes all published cartographic representations of area, such as terrestrial maps and atlases, marine charts, celestial maps and such three-dimensional works as globes and relief models.

**§ 202.10 Works of art (Class G).**

(a) *General.* This class includes published or unpublished works of artistic craftsmanship, insofar as their form but not their mechanical or utilitarian aspects are concerned, such as artistic jewelry, enamels, glassware, and tapestries, as well as works belonging to the fine arts, such as paintings, drawings and sculpture.

(b) In order to be acceptable as a work of art, the work must embody some creative authorship in its delineation or form. The registrability of a work of art is not affected by the intention of the author as to the use of the work, the number of copies reproduced, or the fact that it appears on a textile material or textile product. The potential availability of protection under the design patent law will not affect the registrability of a work of art, but a copyright claim in a patented design or in the drawings or photographs in a patent application will not be registered after the patent has been issued.

(c) If the sole intrinsic function of an article is its utility, the fact that the article is unique and attractively shaped will not qualify it as a work of art. However, if the shape of a utilitarian article incorporates features, such as artistic sculpture, carving, or pictorial representation, which can be identified separately and are capable of existing independently as a work of art, such features will be eligible for registration.

**§ 202.11 Reproductions of works of art (Class H).**

This class includes published reproductions of existing works of art in the same or a different medium, such as a lithograph, photoengraving, etching or drawing of a painting, sculpture or other work of art.

**§ 202.12 Drawings or plastic works of a scientific or technical character (Class I).**

(a) This class includes published or unpublished two-dimensional drawings and three-dimensional plastic works which have been designed for a scientific or technical use and which contain copyrightable graphic, pictorial, or sculptured material. Works registrable in Class I include diagrams or models illustrating scientific or technical works or formulating scientific or technical information in linear or plastic form, such as, for example: a mechanical drawing, an astronomical chart, an architect's blueprint, an anatomical model, or an engineering diagram.

(b) A work is not eligible for registration as a "plastic" work in Class I merely because it is formed from one of the commonly known synthetic chemical derivatives such as styrenes, vinyl compounds, or acrylic resins. The term "plastic work" as used in this context refers to a three-dimensional work giving the effect of that which is molded or sculptured. Examples of such works include statues of animals or plants used for scientific or educational purposes, and engineers' scale models.

(c) A claim to copyright in a scientific or technical drawing, otherwise regis-

trable in Class I, will not be refused registration solely by reason of the fact that it is known to form a part of a pending patent application. Where the patent has been issued, however, the claim to copyright in the drawing will be denied copyright registration.

**§ 202.13 Photographs (Class J).**

This class includes published or unpublished photographic prints and filmstrips, slide films and individual slides. Photoengravings and other photomechanical reproductions of photographs are registered in Class K or Form K.

**§ 202.14 Prints, pictorial illustrations and commercial prints or labels (Class K).**

(a) This class includes prints or pictorial illustrations, greeting cards, picture postcards and similar prints, produced by means of lithography, photoengraving or other methods of reproduction. These works when published are registered on Form K.

(b) A print or label, not a trademark, containing copyrightable pictorial matter, text, or both, published in connection with the sale or advertisement of an article or articles of merchandise is also registered in this class on Form KK. In the case of a print which is published in a periodical, use Form KK if the print is used in connection with the sale or advertisement of an article of merchandise, Form BB if it is not. Multipage works are more appropriately classified in Class A than in Class K.

(c) A claim to copyright cannot be registered in a print or label consisting solely of trademark subject matter and lacking copyrightable matter. While the Copyright Office will not investigate whether the matter has been or can be registered at the Patent Office, it will register a properly filed copyright claim in a print or label that contains the requisite qualifications for copyright even though there is a trademark on it. However, registration of a claim to copyright does not give the claimant rights available by trademark registrations at the Patent Office.

**§ 202.15 Motion pictures (Classes L-M).**

A single application Form L-M is available for registration of works in Classes L (Motion Picture Photoplays) and M (Motion Pictures other than Photoplays).

(a) *Photoplays (Class L).* This class includes published or unpublished motion pictures that are dramatic in character and tell a connected story, such as feature films, filmed television plays, short subjects and animated cartoons having a plot.

(b) *Other than photoplays (Class M).* This class includes published or unpublished nondramatic films such as newsreels, travelogs, training or promotional films, nature studies, and filmed television programs having no plot.

**§ 202.16 Deposit of photographs or other identifying reproductions in lieu of copies.**

(a) *Availability of option.* In the case of a published work which is reproduced in copies for sale, classified in Classes

(g), (h), (i), and (k) of section 5, title 17, U.S. Code, copies of which are considered by the Register of Copyrights to be impracticable of deposit because of their size, weight, fragility, or monetary value, photographs or other identifying reproductions may be deposited in lieu of copies as provided by section 13, title 17, U.S. Code. The deposit of such photographs or reproductions shall be made in accordance with the following criteria:

(1) The number of sets of photographs or of reproductions to be submitted shall be the same as the number of copies provided by said section 13; duplicate sets shall be deposited unless the work is by a foreign author and has been published in a foreign country. Each set shall consist of as many photographs or reproductions in black and white, or in color, as are necessary to identify the work.

(2) All photographs or reproductions shall be of equal size, not less than 5 x 7 inches, and not exceeding 9 x 12 inches, but preferably 8 x 10 inches. The image of the work shown in all photographs or reproductions shall either be lifesize or larger, or if less than lifesize shall be at least 4 inches in its greatest dimension. The exact measurement of at least one dimension of the work shall be indicated on at least one corresponding photograph or reproduction in each set.

(3) The copyright notice and its position on the work must be clearly shown on at least one corresponding photograph or reproduction in each set. If, because of the size or location of the copyright notice, a photographic reproduction cannot be prepared, a drawing may be included in each set, of the same size as the photographs or reproductions, showing the exact appearance of the notice, its dimensions, and its specific position on the work.

(4) The title of the work shall appear on the front or back of each photograph or reproduction.

(5) A copy shall be considered to be impracticable of deposit if, because of its size, weight, fragility or monetary value, it is unsuited to the filing procedures of the Copyright Office.

(b) *Exceptions.* The provisions of this section, permitting the deposit of photographs in lieu of copies in certain cases, shall not apply to fine prints and two-dimensional art reproductions. The Register of Copyrights reserves the right in any other particular case to require as a condition precedent to registration, the deposit of copies of the work as published.

#### § 202.17 Renewals.

(a) Claims to renewal copyright must be registered within the last (28th) year of the original copyright term. The original term for a published work is computed from the date of first publication; the term for a work originally registered in unpublished form is computed from the date of registration in the Copyright Office. Unless the required application and fee are received

in the Copyright Office during the prescribed period before the first term of copyright expires, copyright protection is lost permanently and the work enters the public domain. The Copyright Office has no discretion to extend the renewal time limits.

(b) Renewal claims may be registered only in the names of persons falling within one of the classes of renewal claimants specified in the copyright law. If the work was a new version of a previous work, renewal may be claimed only in the new matter.

#### § 202.18 Notices of use.

Notices of use of copyrighted musical compositions on mechanical instruments, required by section 1(e) of title 17, U.S. Code, will be recorded upon receipt of a properly executed Form U and upon payment of the prescribed fees. Notices of intention to use will be received pursuant to section 101(e) of title 17, U.S. Code; no special form is provided therefor.

[F.R. Doc. 59-5011; Filed, June 17, 1959; 8:45 a.m.]

## Title 43—PUBLIC LANDS: INTERIOR

### Chapter I—Bureau of Land Management, Department of the Interior

#### APPENDIX—PUBLIC LAND ORDERS

[Public Land Order 1878]

[Nevada 045695]

[1697816]

#### NEVADA

### Enlarging Ruby Lake National Wildlife Refuge

By virtue of the authority vested in the President, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands in Nevada are hereby withdrawn from all forms of appropriation under the public-land laws including the mining but not the mineral leasing laws, and reserved for use of the United States Fish and Wildlife Service, Department of the Interior, as an addition to the Ruby Lake National Wildlife Refuge established by Executive Order No. 7923 of July 2, 1938, as amended by Proclamation No. 2416 of July 25, 1940:

#### MOUNT DIABLO MERIDIAN

T. 27 N., R. 57 E.,  
Sec. 25, E $\frac{1}{2}$ SE $\frac{1}{4}$ , unsurveyed.

Containing 80 acres.

ELMER F. BENNETT,  
Under Secretary of the Interior.

JUNE 12, 1959.

[F.R. Doc. 59-5020; Filed, June 17, 1959; 8:46 a.m.]

[Public Land Order 1879]

[Oregon 03242]

#### OREGON

### Withdrawing Lands for Reclamation Purposes, Grande Ronde Project

By virtue of the authority vested in the Secretary of the Interior by section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

Subject to valid existing rights, the following-described lands in Oregon are hereby withdrawn in the first form from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws and reserved for use of the Bureau of Reclamation, Department of the Interior, for reclamation purposes in connection with the Grande Ronde Project:

#### WILLAMETTE MERIDIAN

T. 2 S., R. 36 E.,  
Sec. 34, SE $\frac{1}{4}$ SW $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$ .  
T. 3 S., R. 36 E.,  
Sec. 2, lots 2 and 4, SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 3, lots 1, 2, 3, 4, SE $\frac{1}{4}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ SW $\frac{1}{4}$ , and SE $\frac{1}{4}$ ;  
Sec. 4, lot 1, S $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , and NW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 8, SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 9, E $\frac{1}{2}$ NW $\frac{1}{4}$ , SW $\frac{1}{4}$ NW $\frac{1}{4}$ , and W $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 10, E $\frac{1}{2}$ , NE $\frac{1}{4}$ NW $\frac{1}{4}$ , and E $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 11, W $\frac{1}{2}$ E $\frac{1}{2}$ , and W $\frac{1}{2}$ ;  
Sec. 15, NW $\frac{1}{4}$ ;  
Sec. 16, E $\frac{1}{2}$ NE $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ , SE $\frac{1}{4}$ NW $\frac{1}{4}$ , and S $\frac{1}{2}$ ;  
Sec. 17, E $\frac{1}{2}$ NE $\frac{1}{4}$ , E $\frac{1}{2}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ SE $\frac{1}{4}$ , and SW $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 20, NW $\frac{1}{4}$ ;  
Sec. 30, lot 2, E $\frac{1}{2}$ NE $\frac{1}{4}$ , and SE $\frac{1}{4}$ NW $\frac{1}{4}$ .  
T. 5 S., R. 41 E.,  
Sec. 7, NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ , and SE $\frac{1}{4}$ NE $\frac{1}{4}$ .

The areas described aggregate 3,917.60 acres.

This order shall be subject to the existing withdrawal for power purposes so far as it affects any of the above-described lands, and shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ELMER F. BENNETT,  
Under Secretary of the Interior.

JUNE 12, 1959.

[F.R. Doc. 59-5021; Filed, June 17, 1959; 8:46 a.m.]

## Title 46—SHIPPING

### Chapter I—Coast Guard, Department of the Treasury

[CGFR 59-22]

#### WORK VESTS

Pursuant to the notice of proposed rule making published in the FEDERAL REGISTER on April 9, 1959 (24 F.R. 2742-2751), and Merchant Marine Council Public Hearing Agenda CG-249, dated April 27, 1959, the Merchant Marine Council held a Public Hearing on April 27, 1959, for



the purpose of receiving comments, views and data. The proposals considered were identified as Items I to XII, inclusive. The proposed regulations to govern the use of work vests were set forth in detail as Item VII in the Agenda, CG-249, and a summary of the proposals was set forth in the previously mentioned FEDERAL REGISTER of April 9, 1959.

This document is the fifth of a series covering the regulations and actions considered at the April 27, 1959, Public Hearing and annual session of the Merchant Marine Council. The first document, CGFR 59-17, contains the actions taken with respect to Item VIII regarding power-operated industrial trucks. The second document, CGFR 59-20, contains the actions taken with respect to Item XI regarding suspension or revocation proceedings involving licenses, certificates or documents issued to individuals. The third document, CGFR 59-16, contains the final actions taken with respect to Item X regarding licensing or certifying of seamen, motorboat operators, or staff officers. The fourth document, CGFR 59-15, contains the final actions taken with respect to Item XII regarding the person in charge of a manned platform and emergency signals, and with respect to use of work vests on offshore artificial islands and fixed structures considered with Item VII.

The proposals regarding work vests in Item VII of the Agenda are approved with several minor changes. The comment requesting that similar provisions regarding work vests be added to cover motorboats was considered and accepted by adding similar regulations designated 46 CFR 185.35-1 to 185.35-20, inclusive, to the requirements governing small passenger vessels inspected and certificated under the Act of May 10, 1956 (46 U.S.C. 390b). The use of work vests NOT approved by the Commandant, U.S. Coast Guard, on inspected and certificated vessels is prohibited by the provisions in section 4491 of the Revised Statutes, as amended (46 U.S.C. 489), or implementing regulations. In 46 CFR 160.053-2 (a) a provision was added authorizing consideration to be given equivalent alternate designs.

By virtue of the authority vested in me as Commandant, United States Coast Guard, by Treasury Department Orders 120, dated July 31, 1950 (15 F.R. 6521), 167-14, dated November 26, 1954 (19 F.R. 8026), 167-15, dated January 3, 1955 (20 F.R. 840), 167-20, dated June 18, 1956 (21 F.R. 4894), and CGFR 56-28, dated July 24, 1956 (21 F.R. 5659), to promulgate regulations in accordance with the statutes cited with the regulations below, the following amendments and regulations are prescribed and shall become effective 90 days after the date of publication of this document in the FEDERAL REGISTER:

#### SUBCHAPTER D—TANK VESSELS

### PART 35—OPERATIONS

#### Subpart 35.03—Work Vests

Part 35 is amended by inserting a new Subpart 35.03 entitled "Work Vests" to follow Subpart 35.01 and it consists of

§§ 35.03-1 to 35.03-20, inclusive, reading as follows:

- Sec.  
35.03-1 Application—TB/ALL.  
35.03-5 Approved unicellular plastic foam work vests—TB/ALL.  
35.03-10 Use—TB/ALL.  
35.03-15 Shipboard stowage—TB/ALL.  
35.03-20 Shipboard inspections—TB/ALL.

**AUTHORITY:** §§ 35.03-1 to 35.03-20 issued under R.S. 4405, as amended, 4417a, as amended, 4462, as amended; 46 U.S.C. 375, 391a, 416. Interpret or apply sec. 2, 54 Stat. 1028, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 463a, 50 U.S.C. 198; E.O. 10402; 17 F.R. 9917; 3 CFR, 1952 Supp.

#### § 35.03-1 Application—TB/ALL.

(a) Provisions of this subpart shall apply to all tank vessels.

#### § 35.03-5 Approved unicellular plastic foam work vests—TB/ALL.

(a) Buoyant work vests carried under the permissive authority of this subpart shall conform to the specifications contained in Subpart 160.053 in Subchapter Q (Specifications) of this chapter:

#### § 35.03-10 Use—TB/ALL.

(a) Approved buoyant work vests are considered to be items of safety apparel and may be carried aboard tank vessels to be worn by crew members when working near or over the water under favorable working conditions. They shall be used under the supervision and control of designated ship's officers. When carried, such vests shall not be accepted in lieu of any portion of the required number of approved life preservers and shall not be substituted for the approved life preservers required to be worn during drills and emergencies.

#### § 35.03-15 Shipboard stowage—TB/ALL.

(a) The approved buoyant work vests shall be stowed separately from the regular stowage of approved life preservers.

(b) The locations for the stowage of work vests shall be such as not to be easily confused with that for approved life preservers.

#### § 35.03-20 Shipboard inspections—TB/ALL.

(a) Each work vest shall be subject to examination by a marine inspector to determine its serviceability. If found to be satisfactory, it may be continued in service, but shall not be stamped by a marine inspector with a Coast Guard stamp. If a work vest is found not to be in a serviceable condition, then such work vest shall be removed from the vessel. If a work vest is beyond repair, it shall be destroyed or mutilated in the presence of a marine inspector so as to prevent its continued use as a work vest.

#### SUBCHAPTER H—PASSENGER VESSELS

### PART 78—OPERATIONS

#### Subpart 78.36—Work Vests

Part 78 is amended by inserting a new Subpart 78.36 entitled "Work Vests" to follow Subpart 78.35 and it consists of §§ 78.36-1 to 78.36-20, inclusive, reading as follows:

- Sec.  
78.36-1 Application.  
78.36-5 Approved unicellular plastic foam work vests.  
78.36-10 Use.  
78.36-15 Shipboard stowage.  
78.36-20 Shipboard inspections.

**AUTHORITY:** §§ 78.36-1 to 78.36-20 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4453, as amended, 4488, as amended, 4491, as amended, sec. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, as amended, sec. 3, 68 Stat. 675, sec. 3, 70 Stat. 152; 46 U.S.C. 391, 392, 404, 435, 481, 489, 367, 526p, 1333, 390b, 50 U.S.C. 198; E.O. 10402; 17 F.R. 9917; 3 CFR, 1952 Supp.

#### § 78.36-1 Application.

(a) Provisions of this subpart shall apply to all vessels inspected and certificated in accordance with this subchapter.

#### § 78.36-5 Approved unicellular plastic foam work vests.

(a) Buoyant work vests carried under the permissive authority of this subpart shall conform to the specifications contained in Subpart 160.053 in Subchapter Q (Specifications) of this chapter.

#### § 78.36-10 Use.

(a) Approved buoyant work vests are considered to be items of safety apparel and may be carried aboard vessels to be worn by crew members when working near or over the water under favorable working conditions. They shall be used under the supervision and control of designated ship's officers. When carried, such vests shall not be accepted in lieu of any portion of the required number of approved life preservers and shall not be substituted for the approved life preservers required to be worn during drills and emergencies.

#### § 78.36-15 Shipboard stowage.

(a) The approved buoyant work vests shall be stowed separately from the regular stowage of approved life preservers.

(b) The locations for the stowage of work vests shall be such as not to be easily confused with that for approved life preservers.

#### § 78.36-20 Shipboard inspections.

(a) Each work vest shall be subject to examination by a marine inspector to determine its serviceability. If found to be satisfactory, it may be continued in service, but shall not be stamped by a marine inspector with a Coast Guard stamp. If a work vest is found not to be in a serviceable condition, then such work vest shall be removed from the vessel. If a work vest is beyond repair, it shall be destroyed or mutilated in the presence of a marine inspector so as to prevent its continued use as a work vest.

#### SUBCHAPTER I—CARGO AND MISCELLANEOUS VESSELS

### PART 97—OPERATIONS

#### Subpart 97.34—Work Vests

Part 97 is amended by inserting a new Subpart 97.34 entitled "Work Vests" to follow Subpart 97.33 and it consists of



§§ 97.34-1, 97.34-20, inclusive, reading as follows:

Sec.	
97.34-1	Application.
97.34-5	Approved unicellular plastic foam work vests.
97.34-10	Use.
97.34-15	Shipboard stowage.
97.34-20	Shipboard inspections.

**AUTHORITY:** §§ 97.34-1 to 97.34-20 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4453, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166; as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 435, 481, 489, 367, 526p, 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.

#### § 97.34-1 Application.

(a) Provisions of this subpart shall apply to all vessels inspected and certificated in accordance with this subchapter.

#### § 97.34-5 Approved unicellular plastic foam work vests.

(a) Buoyant work vests carried under the permissive authority of this subpart shall conform to the specifications contained in Subpart 160.053 in Subchapter Q (Specifications) of this chapter.

#### § 97.34-10 Use.

(a) Approved buoyant work vests are considered to be items of safety apparel and may be carried aboard vessels to be worn by crew members when working near or over the water under favorable working conditions. They shall be used under the supervision and control of designated ship's officers. When carried, such vests shall not be accepted in lieu of any portion of the required number of approved life preservers and shall not be substituted for the approved life preservers required to be worn during drills and emergencies.

#### § 97.34-15 Shipboard stowage.

(a) The approved buoyant work vests shall be stowed separately from the regular stowage of approved life preservers.

(b) The locations for the stowage of work vests shall be such as not to be easily confused with that for approved life preservers.

#### § 97.34-20 Shipboard inspections.

(a) Each work vest shall be subject to examination by a marine inspector to determine its serviceability. If found to be satisfactory, it may be continued in service, but shall not be stamped by a marine inspector with a Coast Guard stamp. If a work vest is found not to be in a serviceable condition, then such work vest shall be removed from the vessel. If a work vest is beyond repair, it shall be destroyed or mutilated in the presence of a marine inspector so as to prevent its continued use as a work vest.

#### SUBCHAPTER Q—SPECIFICATIONS

### PART 160—LIFESAVING EQUIPMENT

#### Subpart 160.053—Work Vests, Unicellular Plastic Foam

Part 160 is amended by adding at the end thereof a new Subpart 160.053 en-

titled "Work Vests, Unicellular Foam," and it consists of §§ 160.053-1 to 160.053-6, inclusive, reading as follows:

Sec.	
160.053-1	Applicable specifications.
160.053-2	Type.
160.053-3	Materials, construction and workmanship.
160.053-4	Inspections and tests.
160.053-5	Marking.
160.053-6	Procedure for approval.

**AUTHORITY:** §§ 160.053-1 to 160.053-6 issued under R.S. 4405, as amended, 4462, as amended; 46 U.S.C. 375, 416. Interpret or apply R.S. 4417, as amended, 4417a, as amended, 4418, as amended, 4426, as amended, 4453, as amended, 4488, as amended, 4491, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 54 Stat. 347, sec. 3, 70 Stat. 152, sec. 4, 67 Stat. 462, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 391a, 392, 404, 435, 481, 489, 367, 526p, 1333, 390b, 43 U.S.C. 1333, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917; 3 CFR, 1952 Supp.

#### § 160.053-1 Applicable specifications.

(a) *Specification.* The following specification of the issue in effect on the date unicellular plastic foam work vests are manufactured, form a part of this subpart:

(1) *Military specification:* MIL-L-17653A—Life Preserver, Vest, Work Type, Unicellular Plastic.

(b) *Copies on file.* Copies of the above specification, as well as the various specifications forming a part thereof, shall be kept on file by the manufacturer, together with the certificate of approval. They shall be kept for a period consisting of the duration of approval and 6 months after termination of approval. Federal Specifications may be purchased from the Business Service Center, General Services Administration, Washington 25, D.C. Military specifications may be obtained from the Bureau of Supplies and Accounts, Department of the Navy, Washington 25, D.C.

#### § 160.053-2 Type.

(a) Unicellular plastic foam work vests specified by this subpart shall be of the type described in Military Specification MIL-L-17653A, but alternate designs equivalent in materials, construction, performance, and workmanship will be given consideration.

#### § 160.053-3 Materials, construction and workmanship.

(a) *General.* The materials, construction and workmanship of unicellular plastic foam work vests specified by this subpart shall conform to the requirements of Military Specification MIL-L-17653A, except as otherwise specifically provided by this subpart:

(b) *Color of envelope.* Indian Orange, Cable No. 70072, Standard Color Card of America, will be acceptable in lieu of the Scarlet-Munsell 7.5 red 6/10 color specified for envelopes or covers by paragraph 3.1.1.1 of Specification MIL-L-17653A.

(c) *Color of webbing and thread.* The color of the webbing and thread need not match the color of the envelope as specified by paragraphs 3.1.3 and 3.2.8 of Specification MIL-L-17653A.

#### § 160.053-4 Inspections and tests.

(a) *General.* Work vests are not inspected at regularly scheduled factory inspections; however, the Commander of the Coast Guard District may detail a marine inspector at any time to visit any place where work vests are manufactured to observe production methods and to conduct any inspections or tests which may be deemed advisable. The marine inspector shall be admitted to any place in the factory where work is done on work vests or component materials, and samples of materials entering into construction may be taken by the marine inspector and tests made for compliance with the applicable requirements.

(b) *Manufacturer's inspections and tests.* Manufacturers of approved work vests shall maintain quality control of the materials used, manufacturing methods, workmanship, and the finished product so as to meet the requirements of this specification, and shall make full inspections and tests of representative samples from each lot to maintain the quality of their product.

(c) *Lot size.* A lot shall consist of not more than 500 work vests manufactured at the same time. Lots shall be numbered serially by the manufacturer, and if at any time during the manufacture of a lot, any change or modification in materials or production methods is made, a new lot shall be started.

(d) *Test facilities.* The manufacturer shall provide a suitable place and shall have on hand the necessary apparatus for conducting buoyancy tests in compliance with this specification. The apparatus shall include accurate spring scales of adequate capacity, weighted wire mesh baskets, and a test tank or tanks which can be locked or sealed in such a manner as to preclude disturbance of work vests undergoing tests or change in water level.

(e) *Buoyancy.*—(1) *Buoyancy test method.* Remove the buoyant inserts from the vest. Securely attach the spring scale in a position directly over the test tank. Suspend the weighted wire basket from the scale in such a manner that the basket can be weighed while it is completely under water. In order to measure the actual buoyancy provided by the inserts, the underwater weight of the empty basket should exceed the buoyancy of the inserts. To obtain the buoyancy of the inserts, proceed as follows:

(i) Weigh the empty wire basket under water.

(ii) Place the inserts inside the basket and submerge it so that the top of the basket is at least 2 inches below the surface of the water. Allow the inserts to remain submerged for 24 hours. The tank shall be locked or sealed during this 24-hour submergence period.

(iii) After the 24-hour submergence period, unlock the tank and weigh the wire basket with the inserts inside while both are still under water.

(iv) The buoyancy is computed as (i) minus (iii).

(2) *Buoyancy required.* The buoyant inserts from work vests shall provide not less than 17½ pounds buoyancy in fresh water.

**§ 160.053-5 Marking.**

(a) *General.* Each work vest shall be marked with a rectangular cloth tag attached to the envelope by stitching along all edges of the tag. The following information shall be plainly printed in waterproof ink on each tag:

WORK VEST FOR MERCHANT VESSELS

U.S. COAST GUARD APPROVAL No. -----

Lot No. -----

This vest is filled with unicellular plastic foam, which repeated wettings will not injure. When vest is wet, hang up and dry thoroughly.

(Name and Address of Manufacturer.)

(b) *Additional marking required.* In addition to the wording included on the marking tag, on a front compartment of each work vest there shall be stenciled in waterproof ink in letters not less than one inch in height, the words, "WORK VEST ONLY."

(c) *Waterproofness of marking tags.* Marking tags shall be sufficiently waterproof so that after 48 hours submergence in water, they will withstand rubbing by hand with moderate pressure while wet without the printed matter becoming illegible.

**§ 160.053-6 Procedure for approval.**

(a) *General.* Work vests for use on merchant vessels are approved only by the Commandant, U.S. Coast Guard, Washington 25, D.C. Application for approval and correspondence pertaining to this specification shall be addressed to the Commander of the Coast Guard District in which the factory is located.

(b) *Pre-approval samples and tests.* Upon receipt of an application for approval of work vests, the Commander of the Coast Guard District will detail a marine inspector to the factory to observe the production facilities and manufacturing methods and to select, from not less than ten work vests already manufactured, not less than three for examination and test for compliance with the requirements of this specification. A copy of the marine inspector's report, together with a fourth specimen vest and one set of pad inserts selected from those already manufactured will be forwarded to the Commandant, and if satisfactory, an official approval number will be assigned to the manufacturer for the work vest submitted.

**SUBCHAPTER R—NAUTICAL SCHOOLS****PART 167—PUBLIC NAUTICAL SCHOOL SHIPS****Subpart 167.43—Work Vests**

Part 167 is amended by inserting a new Subpart 167.43 entitled "Work Vests" to follow Subpart 167.40 and it consists of §§ 167.43-1 to 167.43-20, inclusive, reading as follows:

Sec.  
167.43-1 Application.  
167.43-5 Approved unicellular plastic foam work vests.

Sec.  
167.43-10 Use.  
167.43-15 Shipboard stowage.  
167.43-20 Shipboard inspections.

AUTHORITY: §§ 167.43-1 to 167.43-20 issued under R.S. 4405, as amended, 46 U.S.C. 375; Interpret or apply R.S. 4417, as amended, 4418, as amended, 4426, as amended, 4453, as amended, 4488, as amended, 4491, as amended, 41 Stat. 305, as amended, secs. 1, 2, 49 Stat. 1544, as amended, sec. 17, 54 Stat. 166, as amended, sec. 3, 68 Stat. 675; 46 U.S.C. 391, 392, 404, 435, 481, 489, 363, 367, 526p, 50 U.S.C. 198; E.O. 10402, 17 F.R. 9917, 3 CFR, 1952 Supp.

**§ 167.43-1 Application.**

(a) Provisions of this subpart shall apply to all vessels inspected and certificated in accordance with this subchapter.

**§ 167.43-5 Approved unicellular plastic foam work vest.**

(a) Buoyant work vests carried under the permissive authority of this subpart shall conform to the specifications contained in Subpart 160.053 in Subchapter Q (Specifications) of this chapter.

**§ 167.43-10 Use.**

(a) Approved buoyant work vests are considered to be items of safety apparel and may be carried aboard vessels to be worn by crew members when working near or over the water under favorable working conditions. They shall be used under the supervision and control of designated ship's officers. When carried, such vests shall not be accepted in lieu of any portion of the required number of approved life preservers and shall not be substituted for the approved life preservers required to be worn during drills and emergencies.

**§ 167.43-15 Shipboard stowage.**

(a) The approved buoyant work vests shall be stowed separately from the regular stowage of approved life preservers.

(b) The locations for the stowage of work vests shall be such as not to be easily confused with that for approved life preservers.

**§ 167.43-20 Shipboard inspections.**

(a) Each work vest shall be subject to examination by a marine inspector to determine its serviceability. If found to be satisfactory, it may be continued in service, but shall not be stamped by a marine inspector with a Coast Guard stamp. If a work vest is found not to be in a serviceable condition, then such work vest shall be removed from the vessel. If a work vest is beyond repair, it shall be destroyed or mutilated in the presence of a marine inspector so as to prevent its continued use as a work vest.

**SUBCHAPTER T—SMALL PASSENGER VESSELS  
(NOT MORE THAN 65 FEET IN LENGTH)****PART 185—OPERATIONS****Subpart 187.35—Work Vests**

Part 185 is amended by adding at the end thereof a new Subpart 187.35 en-

titled "Work Vests" and it consists of §§ 185.35-1 to 185.35-20, inclusive, reading as follows:

Sec.  
185.35-1 Application.  
185.35-5 Approved unicellular plastic foam work vests.  
185.35-10 Use.  
185.35-15 Shipboard stowage.  
185.35-20 Shipboard inspections.

AUTHORITY: §§ 185.35-1 to 185.35-20 issued under sec. 3, 70 Stat. 152; 46 U.S.C. 390b. Interpret or apply R.S. 4488, as amended, 4491, as amended; 46 U.S.C. 481, 489.

**§ 185.35-1 Application.**

(a) Provisions of this subpart shall apply to all vessels inspected and certificated in accordance with this subchapter.

**§ 185.35-5 Approved unicellular plastic foam work vests.**

(a) Buoyant work vests carried under the permissive authority of this subpart shall conform to the specifications contained in Subpart 160.053 in Subchapter Q (Specifications) of this chapter.

**§ 185.35-10 Use.**

(a) Approved buoyant work vests are considered to be items of safety apparel and may be carried aboard vessels to be worn by crew members when working near or over the water under favorable working conditions. They shall be used under the supervision and control of designated ship's officers. When carried, such vests shall not be accepted in lieu of any portion of the required number of approved life preservers and shall not be substituted for the approved life preservers required to be worn during drills and emergencies.

**§ 185.35-15 Shipboard stowage.**

(a) The approved buoyant work vests shall be stowed separately from the regular stowage of approved life preservers.

(b) The locations for the stowage of work vests shall be such as not to be easily confused with that for approved life preservers.

**§ 185.35-20 Shipboard inspections.**

(a) Each work vest shall be subject to examination by a marine inspector to determine its serviceability. If found to be satisfactory, it may be continued in service, but shall not be stamped by a marine inspector with a Coast Guard stamp. If a work vest is found not to be in a serviceable condition, then such work vest shall be removed from the vessel. If a work vest is beyond repair, it shall be destroyed or mutilated in the presence of a marine inspector so as to prevent its continued use as a work vest.

Dated: June 12, 1959.

[SEAL] A. C. RICHMOND,  
Vice Admiral, U.S. Coast Guard,  
Commandant.

[F.R. Doc. 59-5051; Filed, June 17, 1959;  
8:51 a.m.]

**Title 47—TELECOMMUNICATION****Chapter I—Federal Communications Commission**

[Docket No. 12852; FCC 59-559]

**PART 2—FREQUENCY ALLOCATIONS AND RADIO TREATY MATTERS; GENERAL RULES AND REGULATIONS****International Fixed Public Radio-Communication Service in Puerto Rico and the Virgin Islands**

In the matter of amendment of Part 2 of the Commission's rules and regulations to provide for the assignment of frequencies in the 952-960 Mc band to stations in the International Fixed Public Radio-communication Service in Puerto Rico and the Virgin Islands; Docket No. 12852.

1. On April 15, 1959, the Commission adopted a Notice of Proposed Rule Making in the above-entitled matter which was released on April 16, 1959, and published in the FEDERAL REGISTER on April 21, 1959 (24 F.R. 3057).

2. The period for filing comments and reply comments in this matter expired on May 28, 1959. Comments were received from the All America Cables and Radio, Inc. (AACR), Radio Corporation of

Puerto Rico (RCPR), and the National Committee for Utilities Radio (NCUR).

3. The AACR and RCPR favored the proposal and NCUR offered no objection. All are in agreement that the assignment of frequencies in the 952-960 Mc band to the International Fixed Public Services be limited to Puerto Rico and the Virgin Islands.

4. In view of the foregoing: *It is ordered*, That pursuant to the authority contained in sections 303 (c), (f) and (r) of the Communications Act of 1934, as amended, Part 2 of the Commission's rules is amended, effective July 10, 1959, as set forth below.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303.)

Adopted: June 10, 1959.

Released: June 12, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,  
MARY JANE MORRIS,  
Secretary.

Section 2.104(a) (5) is amended in the band 942-960 Mc in columns 7 through 11 to read as follows:

**§ 2.104 Frequency allocations.****(a) Table of frequency allocations.**

\* \* \* \* \*

(5) \* \* \*

Band Mc	Service	Class of station	Frequency	Nature OF SERVICES, of stations
7	8	9	10	11
942-952 (NG13) (NG101).	Fixed.....	a. AM broadcast STL. b. FM broadcast STL (NG14). c. International aeronautical fixed (Alaska, Hawaii & U.S. Pos- sessions only). d. International fixed public (Alaska, Hawaii and U.S. Pos- sessions only). e. Television STL (audio only).		
952-960 (NG15).	Fixed.....	a. International fixed public (Puerto Rico and the Virgin Islands only). b. International coffrol. c. Operational fixed.		

[F.R. Doc. 59-5061; Filed, June 17, 1959; 8:51 a.m.]

No. 119—3

**PROPOSED  
RULE MAKING****POST OFFICE DEPARTMENT**

[ 39 CFR Part 95 ]

**TRANSPORTATION OF MAIL BEYOND  
BORDERS OF UNITED STATES****Transportation and Protection of Mail  
Between Post Offices and Ships**

Paragraph (c) of § 95.1, Title 39, Code of Federal Regulations, deals with the protection to be accorded mail during the course of its transportation between post offices and steamship piers. The last sentence of the paragraph presently provides that "when a rack type truck is used the sacks shall be covered by a tarpaulin."

From information before the Department it appears that there is some misinterpretation of this requirement of the regulations. It is proposed, therefore, to restate and clarify this requirement.

The proposed amendment relates to a proprietary function of the Government and hence is exempt from the rule making requirements of the Administrative Procedure Act (5 U.S.C. 1003). However, it is the desire of the Postmaster General voluntarily to observe the rule making requirements of the Administrative Procedure Act in matters of this kind, and to afford the patrons of the Postal Service an opportunity to present written views concerning the proposed amendment. Accordingly, such written views may be submitted to Mr. Greever P. Allan, Director, International Service Division, Bureau of Transportation, Post Office Department, Washington 25, D.C., at any time prior to the expiration of 30 days from the date of publication of this document. The proposed amendment is as follows:

In § 95.1 *Transportation and protection of mail between post offices and ships*, amend paragraph (c) by striking out the last sentence reading "When a rack type truck is used the sacks shall be covered by a tarpaulin" and by inserting in lieu thereof a sentence reading "When open-top trucks are used the sacks shall be covered by a fire-proof and rain-proof tarpaulin which must be fastened securely to the body of the truck", so that the paragraph will read:

(c) *Vehicles and attendants.* Each vehicle used to transport mail between post offices and vessels, except the completely closed van type, shall be provided with a man to ride on the rear of the vehicle to protect the mail. The mail compartment of the completely closed van type vehicle must be locked or sealed.

When open-top trucks are used the sacks shall be covered by a fire-proof and rain-proof tarpaulin which must be fastened securely to the body of the truck.

(R.S. 161, as amended, 396, as amended, 398, as amended, 3962, as amended, 4009, as amended, 4010, as amended, Sec. 1, 62 Stat. 777; 5 U.S.C. 22, 369, 372, 18 U.S.C. 1698, 39 U.S.C. 443, 654, 655)

[SEAL] HERBERT B. WARBURTON,  
General Counsel.

[F.R. Doc. 59-5046; Filed, June 17, 1959;  
8:50 a.m.]

## DEPARTMENT OF AGRICULTURE

### Commodity Stabilization Service

#### [ 7 CFR Parts 723, 725, 727 ]

#### CERTAIN TYPES OF TOBACCO

#### Establishment of Farm Acreage Allotments and Normal Yields for the 1960-61 Marketing Year

Notice is hereby given that, pursuant to the authority contained in the applicable provisions of the Agricultural Adjustment Act of 1938, as amended (7 U.S.C. 1301, 1312, 1313, 1375), regulations are being prepared governing the establishment of farm acreage allotments and normal yields for the 1960 crop of (1) cigar-binder (types 51 & 52) tobacco, and cigar-filler and binder (types 42, 43, 44, 53, 54 & 55) tobacco, (2) burley, flue-cured, fire-cured (type 21), fire-cured (types 22, 23 & 24), dark air-cured, and Virginia sun-cured tobacco, and (3) Maryland tobacco.

The Agricultural Adjustment Act of 1938, as amended, includes only type 41 tobacco in the definition of cigar-filler tobacco. Producers of cigar-filler (type 41) tobacco disapproved marketing quotas for such kind of tobacco for the three marketing years beginning October 1, 1959 (24 F.R. 2271), and previously thereto had disapproved marketing quotas for three successive years subsequent to 1952 (18 F.R. 8474, 19 F.R. 9365, 21 F.R. 667). Hence, pursuant to the provisions of section 312 of the Agricultural Adjustment Act of 1938, as amended, no acreage allotments and marketing quotas will be determined for such kind of tobacco for the 1960 and 1961 crops of such tobacco unless the required number of producers petition the Secretary to proclaim such quotas in accordance with said section.

Maryland tobacco growers disapproved quotas for the 1959, 1960, and 1961 crops in a referendum held on February 24, 1959 (24 F.R. 2271). The regulations to be issued will be applicable to the determination of 1960 farm acreage allotments, which allotments will remain in effect whether or not quotas are approved by growers for the 1960 crop, in a referendum to be held in late 1959 or in early 1960, but marketing quotas will not be applicable to the 1960 crop if quotas are disapproved for such crop by growers voting in a referendum. Consideration will be given to suggestions for a date on which the referendum will be held.

Pursuant to the provisions of section 312 of the Act, as amended, the Secretary of Agriculture has proclaimed marketing quotas for the 1960-61 marketing year for burley, flue-cured, fire-cured, dark air-cured, Virginia sun-cured and Maryland tobacco, respectively. In accordance with section 312 of the Act, the amounts of such marketing quotas will be determined and announced, and under section 313 of the Act will be apportioned among the States, converted into State acreage allotments, and allotted to farms. Growers of burley, flue-cured, fire-cured, dark air-cured and Virginia sun-cured tobacco, respectively, approved marketing quotas for such kinds of tobacco as follows:

Kind	F.R. citation	Marketing years
Flue-cured.....	24 F.R. 356	1959-60, 1960-61, 1961-62.
Burley.....	24 F.R. 2271	1959-60, 1960-61, 1961-62.
Fire-cured.....	23 F.R. 2072	1958-59, 1959-60, 1960-61.
Dark air-cured.....	23 F.R. 2072	1958-59, 1959-60, 1960-61.
Virginia sun-cured.....	24 F.R. 2271	1959-60, 1960-61, 1961-62.

Pursuant to the provisions of section 312 of the Act, as amended, the Secretary of Agriculture is required to proclaim marketing quotas for the 1960-61, 1961-62, and 1962-63 marketing years for cigar-binder (types 51 & 52) tobacco and for cigar-filler and binder (types 42, 43, 44, 53, 54 & 55) tobacco. It is necessary that regulations be issued and acreage allotments determined for the 1960-61 marketing year for such two kinds of tobacco. The regulations to be issued will be applicable to the determination of 1960 farm acreage allotments, which allotments will remain in effect whether or not quotas are approved by growers for the 1960 crop in a referendum to be held in late 1959 or in early 1960, but marketing quotas will not be applicable to the 1960 crop if quotas are disapproved for such crop by growers voting in a referendum. Consideration will be given to suggestions for a date on which the referendum will be held. Marketing quotas for cigar-binder (types 51 & 52) tobacco and for cigar-filler and binder (types 42, 43, 44, 53, 54 & 55) tobacco were approved by growers voting in referenda for the 1957-58, 1958-59, and 1959-60 marketing years (22 F.R. 2035). In accordance with section 312 of the Act, the amounts of such marketing quotas will be determined and announced, and under the provisions of section 313 of the Act (7 U.S.C. 1313), such quotas will be apportioned among the States, converted into State acreage allotments and allotted to farms.

It is contemplated that the regulations for (1) cigar-binder (types 51 & 52) tobacco, and cigar-filler and binder (types 42, 43, 44, 53, 54 & 55) tobacco, respectively, (2) burley, flue-cured, fire-cured, dark air-cured and Virginia sun-cured tobacco, respectively, and (3) Maryland tobacco, will provide for establishment of farm acreage allotments and normal yields and the issuance of notices of allotments and marketing

quotas by county committees substantially the same as provided with respect to the 1959 crops (23 F.R. 5322, 7877), (23 F.R. 5329, 7878; 24 F.R. 2676), and (23 F.R. 5334, 7879). However, the following changes are contemplated:

1. Sections 725.1022, 723.1022 and 727.1022, with respect to determination of old farm tobacco normal yields, would be changed for 1960 to read as follows: "*Determination of old farm normal yields.* The normal yield for any old farm shall be that yield which the county committee determines is normal for the farm taking into consideration (a) the yields obtained on the farm during the five years 1954-58, (b) the soil and other physical factors affecting the production of tobacco on the farm, and (c) the yields obtained on other farms in the locality which are similar with respect to such factors."

2. Sections 725.1025, 723.1025 and 727.1025, with respect to determination of new farm tobacco normal yields, would be changed for 1960 to read as follows: "*Determination of new farm normal yields.* The normal yield for a new farm shall be that yield per acre which the county committee determines is normal for the farm as compared with yields for other farms in the locality on which the soil and other physical factors affecting the production of tobacco are similar."

3. It is proposed that paragraph (b) of § 725.1020 be eliminated for 1960. This would include dropping the wording "and (b) transfer of allotments for flooded farms in Florida" from the title of § 725.1020 (§ 725.1120 for 1960) which was added by amendment 2 (24 F.R. 2676). Also, the "(a)" designation for paragraph (a) of § 725.1020 would be dropped for 1960.

Prior to the final adoption and issuance of these regulations, consideration will be given to any data, views, and recommendations pertaining thereto which are submitted in writing to the Director, Tobacco Division, Commodity Stabilization Service, United States Department of Agriculture, Washington 25, D.C. All submissions must be postmarked not later than ten days after the date of publication of this notice in the FEDERAL REGISTER in order to be considered.

Issued at Washington, D.C., this 12th day of June 1959.

CLARENCE D. PALMBY,  
Acting Administrator,  
Commodity Stabilization Service.

[F.R. Doc. 59-5060; Filed, June 17, 1959;  
8:51 a.m.]

## FEDERAL AVIATION AGENCY

### [ 14 CFR Part 600, 601 ]

[Airspace Docket 59-NY-3a]

#### FEDERAL AIRWAYS AND CONTROL AREAS

#### Revocation of Segment of Federal Airways and Associated Control Area

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24

F.R. 3498), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, as hereinafter set forth.

Red Federal airway No. 21 presently extends from New York, New York to Boston, Massachusetts. An IFR Peak-Day Airway Traffic Survey for each half of the calendar year 1958 shows only two aircraft movements for the segment from Bridgeport, Connecticut to Hartford, Connecticut. On the basis of the survey, it appears that the retention of this airway segment and its associated Control area is unjustified as an assignment of airspace and that the revocation thereof would be in the public interest. If such action is taken, Red Federal airway No. 21 and the Control area associated with it would then extend from New York, New York to Bridgeport, Connecticut and from Hartford, Connecticut to Boston, Massachusetts.

Interested persons may submit such written data, views or arguments they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, New York International Airport, Jamaica, Long Island, New York. All communications received within thirty (30) days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for inspection at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to revoke the Bridgeport, Connecticut-Hartford, Connecticut segment of Red Federal airway No. 21 by amending Parts 600 and 601 (14 CFR, 1958, Supp. Parts 600, 601) as follows:

#### § 600.221 [Amendment]

1. Section 600.221 *Red Federal airway No. 21 (New York, New York, to Boston, Massachusetts)* is amended as follows: (a) Delete "(New York, New York, to Boston, Massachusetts)" and substitute therefor "(New York, New York, to Bridgeport, Connecticut, and Hartford, Connecticut, to Boston, Massachusetts)". (b) Delete "Bridgeport, Connecticut, radio range station to the intersection of

the northeast course of the Bridgeport, Connecticut, radio range and the southeast course of the Hartford, Connecticut, radio range" and substitute therefor "to the Bridgeport, Connecticut, radio range station. From the intersection of the southeast course of the Hartford, Connecticut, radio range and the west course of the Quonset Point, Rhode Island (NAVY), radio range."

2. Section 601.221 *Red Federal airway No. 21 Control areas (New York, New York, to Boston, Massachusetts)* is amended as follows:

§ 601.221 *Red Federal airway No. 21 Control areas (New York, New York, to Bridgeport, Connecticut, and Hartford, Connecticut, to Boston, Massachusetts).*

All of Red Federal airway No. 21.

Issued in Washington, D.C., on June 12, 1959.

D. D. THOMAS,  
Director,  
Bureau of Air Traffic Management.

[F.R. Doc. 59-5034; Filed, June 17, 1959; 8:48 a.m.]

### [ 14 CFR Parts 600, 601 ]

[Airspace Docket 59-NY-3b]

## FEDERAL AIRWAYS AND CONTROL AREAS

### Revocation of Federal Airway and Associated Control Area

Pursuant to the authority delegated to me by the Administrator (§ 409.13, 24 F.R. 3498), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, as hereinafter set forth.

Red Federal airway No. 112 presently extends from Albany, New York to Westfield, Massachusetts. An IFR Peak-Day Airway Traffic Survey for each half of the calendar year 1958 shows only four aircraft movements. On the basis of the survey, it appears that the retention of this airway and its associated Control area is unjustified as an assignment of airspace and that the revocation thereof would be in the public interest. If such action is taken, Red Federal airway No. 112 and the Control area associated with it would be revoked from Albany, New York to Westfield, Massachusetts.

Interested persons may submit such written data, views or arguments they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, New York International Airport, Jamaica, Long Island, New York. All communications received within thirty (30) days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation

Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue, NW., Washington 25, D.C. An informal Docket will also be available for inspection at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to revoke Red Federal airway No. 112 by amending Parts 600 and 601 (14 CFR 1958, Supp. Parts 600, 601) as follows:

1. Section 600.312 *Red Federal airway No. 112 (Albany, New York, to Westfield, Massachusetts)* is revoked.

2. Section 601.312 *Red Federal airway No. 112 Control area (Albany, New York, to Westfield, Massachusetts)* is revoked.

Issued in Washington, D.C., on June 12, 1959.

D. D. THOMAS,  
Director,  
Bureau of Air Traffic Management.  
[F.R. Doc. 59-5035; Filed, June 17, 1959; 8:48 a.m.]

### [ 14 CFR Parts 600, 601 ]

[Airspace Docket 59-NY-3c]

## FEDERAL AIRWAYS AND CONTROL AREAS

### Revocation of Segment of Federal Airways and Associated Control Area

Pursuant to the authority delegated to me by the Administrator (Part 409.13, 24 F.R. 3498), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, as hereinafter set forth.

Blue Federal airway No. 17 presently extends from Bangor, Maine to Presque Isle, Maine. An IFR Peak-Day Traffic Survey for each half of the calendar year 1958 shows only two aircraft movements. On the basis of the survey, it appears that the retention of this airway and its associated Control area is unjustified as an assignment of airspace and that the revocation thereof would be in the public interest. If such action is taken, Blue Federal airway No. 17 and the Control area associated with it would be revoked from Bangor, Maine to Presque Isle, Maine.

Interested persons may submit such written data, views or arguments they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, New York International Airport, Jamaica, Long Island, New York. All com-



munications received within thirty (30) days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for inspection at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to revoke Blue Federal airway No. 17 by amending Parts 600 and 601 (14 CFR, 1958, Supp. Parts 600, 601) as follows:

1. Section 600.617 *Blue Federal airway No. 17 (Bangor, Maine, to Presque Isle, Maine)* is revoked.

2. Section 601.617 *Blue Federal airway No. 17 Control area (Bangor, Maine, to Presque Isle, Maine)* is revoked.

Issued in Washington, D.C., on June 12, 1959.

D. D. THOMAS,  
Director,

Bureau of Air Traffic Management.

[F.R. Doc. 59-5036; Filed, June 17, 1959;  
8:48 a.m.]

#### [ 14 CFR Parts 600, 601 ]

[Airspace Docket 59-NY-3d]

### FEDERAL AIRWAYS AND CONTROL AREAS

#### Revocation of Segment of Federal Airways and Associated Control Area

Pursuant to the authority delegated to me by the Administrator (Part 409.13, 24 F.R. 3498), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, as hereinafter set forth.

Blue Federal airway No. 53 presently extends from Providence, Rhode Island to Hartford, Connecticut. An IFR Peak-Day Airway Traffic Survey for each half of the calendar year 1958 shows only five aircraft movements. On the basis of the survey, it appears that the retention of this airway and its associated Control area is unjustified as an assignment of airspace and that the revocation

thereof would be in the public interest. If such action is taken, Blue Federal airway No. 53 and the Control area associated with it would then be revoked.

Interested persons may submit such written data, views or arguments they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, New York International Airport, Jamaica, Long Island, New York. All communications received within thirty (30) days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for inspection at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to revoke Blue Federal airway No. 53 by amending Parts 600 and 601 (14 CFR, 1958, Supp. Parts 600, 601) as follows:

1. Section 600.653 *Blue Federal airway No. 53 (Providence, Rhode Island, to Hartford, Connecticut)* is revoked.

2. Section 601.653 *Blue Federal airway No. 53 Control area (Providence, Rhode Island, to Hartford, Connecticut)* is revoked.

Issued in Washington, D.C., on June 12, 1959.

D. D. THOMAS,  
Director,

Bureau of Air Traffic Management.

[F.R. Doc. 59-5037; Filed, June 17, 1959;  
8:49 a.m.]

#### [ 14 CFR Parts 600, 601 ]

[Airspace Docket No. 59-NY-3e]

### FEDERAL AIRWAYS AND CONTROL AREAS

#### Revocation of Segment of Federal Airways and Associated Control Area

Pursuant to the authority delegated to me by the Administrator (Part 409.13, 24 F.R. 3498), notice is hereby given that the Federal Aviation Agency is consider-

ing an amendment to Parts 600 and 601 of the regulations of the Administrator, as hereinafter set forth.

Blue Federal airway No. 84 presently extends from Augusta, Maine to Millinocket, Maine. An IFR Peak-Day Airway Traffic Survey for each half of the calendar year 1958 shows only five aircraft movements for the segment from Bangor, Maine to Millinocket, Maine. On the basis of the survey, it appears that the retention of this airway segment and its associated Control area is unjustified as an assignment of airspace and that the revocation thereof would be in the public interest. If such action is taken, Blue Federal airway No. 84 and the Control area associated with it would then extend from Augusta, Maine to Bangor, Maine.

Interested persons may submit such written data, views or arguments they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, New York International Airport, Jamaica, Long Island, New York. All communications received within thirty (30) days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for inspection at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to revoke the Bangor, Maine-Millinocket, Maine segment of Blue Federal airway No. 84 by amending Parts 600 and 601 (14 CFR, 1958, Supp. Parts 600, 601) as follows:

1. Section 600.684 *Blue Federal airway No. 84 (Augusta, Maine, to Millinocket, Maine)* is amended to read as follows:

§ 600.684 Blue Federal airway No. 84 (Augusta, Maine, to Bangor, Maine).

From the Augusta, Maine, radio range station via the Rockland, Maine, nondirectional radio beacon; Bar Harbor, Maine, nondirectional radio beacon to the Bangor, Maine, radio range station.

2. Section 601.684 *Blue Federal airway No. 84 Control area (Augusta, Maine, to Millinocket, Maine)* is amended to read as follows:



§ 601.684 Blue Federal airway No. 84 Control area (Augusta, Maine, to Bangor, Maine).

All of Blue Federal airway No. 84.

Issued in Washington, D.C., on June 12, 1959.

D. D. THOMAS,  
Director,  
Bureau of Air Traffic Management.

[F.R. Doc. 59-5038; Filed, June 17, 1959;  
8:49 a.m.]

#### [ 14 CFR Parts 600, 601 ]

[Airspace Docket 59-NY-3f]

### FEDERAL AIRWAYS AND CONTROL AREAS

#### Revocation of Federal Airway and Associated Control Area

Pursuant to the authority delegated to me by the Administrator (Par. 409.13, 24 F.R. 3498), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, as hereinafter set forth.

Red Federal airway No. 86 presently extends from Millinocket, Maine, to Houlton, Maine. An IFR Peak-Day Traffic Survey for each half of the calendar year 1958 shows no aircraft movements. On the basis of the survey, it appears that the retention of this airway and its associated Control area is unjustified as an assignment of airspace and that the revocation thereof would be in public interest. If such action is taken, Red Federal airway No. 86 and the control area associated with it would then be revoked from Millinocket, Maine, to Houlton, Maine.

Interested persons may submit such written data, views or arguments they may desire. Communication should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, New York International Airport, Jamaica, Long Island, New York. All communications received within thirty (30) days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for inspection at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to revoke Red Federal airway No. 86 by amending Parts 600 and 601 (14 CFR 1958, Supp. Parts 600, 601) as follows:

1. Section 600.286 Red Federal airway No. 86 (Millinocket, Maine, to Houlton, Maine) is revoked.

2. Section 601.286 Red Federal airway No. 86 Control area (Millinocket, Maine, to Houlton, Maine) is revoked.

Issued in Washington, D.C., on June 12, 1959.

D. D. THOMAS,  
Director,  
Bureau of Air Traffic Management.

[F.R. Doc. 59-5039; Filed, June 17, 1959;  
8:49 a.m.]

#### [ 14 CFR Parts 600, 601 ]

[Airspace Docket 59-NY-3g]

### FEDERAL AIRWAYS AND CONTROL AREAS

#### Revocation of Federal Airway and Associated Control Area

Pursuant to the authority delegated to me by the Administrator (Par. 409.13, 24 F.R. 3498), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, as hereinafter set forth.

Red Federal airway No. 33 presently extends from Norfolk, Virginia, to Richmond, Virginia, and from Poughkeepsie, New York, to Boston, Massachusetts. An IFR Peak-Day Air Traffic Survey for each half of the calendar year 1957 shows less than ten aircraft movements for the segment from Chicopee, Westover AFB, Massachusetts, to Boston, Massachusetts. On the basis of the survey, it appears that the retention of this airway segment and its associated control area is unjustified as an assignment of airspace and that the revocation thereof would be in the public interest. If such action is taken, Red Federal airway No. 33 and the control area associated with it would then extend from Norfolk, Virginia, to Chicopee, Westover AFB, Massachusetts.

Interested persons may submit such written data, views or arguments they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, New York International Airport, Jamaica, Long Island, New York. All communications received within thirty (30) days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views

or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for inspection at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to revoke the Chicopee, Westover AFB, Massachusetts—Boston, Massachusetts segment of Red Federal airway No. 33 by amending Parts 600 and 601 (14 CFR 1958, Supp. Parts 600, 601) as follows:

#### § 600.233 [Amendment]

1. Section 600.233 Red Federal airway No. 33 (Norfolk, Virginia, to Boston, Massachusetts) is amended as follows:

a. Delete "(Norfolk, Va., to Boston, Mass.)" and substitute therefor "(Norfolk, Virginia, to Chicopee, Westover AFB, Massachusetts)."

b. Delete "via the Chicopee, Westover AFB, Massachusetts, radio range station to the intersection of the northeast course of the Chicopee, Westover AFB, Massachusetts, radio range and the west course of the Boston, Massachusetts, radio range," and substitute therefor "to the Chicopee, Westover AFB, Massachusetts, radio range."

2. Section 601.233 Red Federal airway No. 33 Control area (Norfolk, Virginia, to Boston, Massachusetts) is amended as follows:

§ 601.233 Red Federal airway No. 33 Control area (Norfolk, Virginia, to Chicopee, Westover AFB, Massachusetts).

All of Red Federal airway No. 33.

Issued in Washington, D.C., on June 12, 1959.

D. D. THOMAS,  
Director,  
Bureau of Air Traffic Management.

[F.R. Doc. 59-5040; Filed, June 17, 1959;  
8:49 a.m.]

#### [ 14 CFR Parts 600, 601 ]

[Airspace Docket 59-NY-3h]

### FEDERAL AIRWAYS AND CONTROL AREAS

#### Revocation of Federal Airway and Associated Control Area

Pursuant to the authority delegated to me by the Administrator (Par. 409.13, 24 F.R. 3498), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, as hereinafter set forth.

Blue Federal airway No. 41 presently extends from Hartford, Connecticut to

United States-Canadian Border. An IFR Peak-Day Airway Traffic Survey for each half of the calendar year 1958, shows less than ten aircraft movements for the segments from Hartford, Massachusetts to Concord, New Hampshire, and from Rockland, Maine to Bangor, Maine. On the basis of the survey, it appears that the retention of these airway segments and their associated control areas is unjustified as an assignment thereof would be in the public interest. If such action is taken, Blue Federal airway No. 41 and the control area associated with it would then extend from Concord, New Hampshire to Portland, Maine, and from Bangor, Maine, to United States-Canadian Border.

Interested persons may submit such written data, views or arguments they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, New York International Airport, Jamaica, Long Island, New York. All communications received within thirty (30) days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for inspection at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing it is proposed to revoke the Hartford, Connecticut, to Concord, New Hampshire, and the Rockland, Maine, to Bangor, Maine, segments of Blue Federal airway No. 41 by amending Parts 600 and 601 (14 CFR 1958, Supp. Parts 600, 601) as follows:

**§ 600.641 [Amendment]**

1. Section 600.641 *Blue Federal airway No. 41 (Hartford, Connecticut, to United States-Canadian Border)* is amended as follows:

a. Delete "(Hartford, Connecticut, to United States-Canadian Border)" and substitute therefor "(Concord, New Hampshire, to Portland, Maine, and Bangor, Maine, to United States-Canadian Border.)"

b. Delete "From the Hartford, Connecticut, radio range station via the intersection of the northwest course of the Hartford, Connecticut, radio range, and the south course of the Westfield, Massachusetts, radio range; Westfield, Massachusetts, radio range station; the intersection of the north course of the Westfield, Massachusetts, radio range and the southwest course of the Concord, New Hampshire, radio range", "From the Rockland, Maine, nondirectional radio beacon via the Bangor, Maine, radio range station", and substitute therefor "From Concord, New Hampshire, radio range to the Portland, Maine, radio range station. From Bangor, Maine, radio range station to the intersection of the northeast course of the Bangor, Maine, radio range and the United States-Canadian Border."

2. Section 601.641 *Blue Federal airway No. 41 Control area (Hartford, Connecticut, to United States-Canadian Border)* is amended as follows:

**§ 601.641 Blue Federal airway No. 41 Control areas (Concord, New Hampshire, to Portland, Maine, and Bangor, Maine, to United States-Canadian Border).**

All of Blue Federal airway No. 41.

Issued in Washington, D.C., on June 12, 1959.

D. D. THOMAS,  
Director,

Bureau of Air Traffic Management.

[F.R. Doc. 59-5041; Filed, June 17, 1959; 8:49 a.m.]

**[14 CFR Parts 600, 601]**

[Airspace Docket 59-NY-31]

**FEDERAL AIRWAYS AND CONTROL AREAS**

**Revocation of Federal Airway and Associated Control Area**

Pursuant to the authority delegated to me by the Administrator (Par. 409.13, 24 F.R. 3498), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, as hereinafter set forth.

Blue Federal airway No. 45 presently extends from Greenfield, Mass., to Newport, Vt. An IFR Peak-Day Airway Traffic Survey for each half of the calendar year 1958 shows no aircraft movements for the segment from Greenfield, Mass., to Keene, N.H. On the basis of the survey, it appears that the retention of this airway segment and its associated control area is unjustified as an assignment of airspace and that the revocation thereof would be in the public interest. If such action is taken, Blue Federal airway No. 45 and the control area associated with it would then extend from Keene, N.H., to Newport, Vt.

Interested persons may submit such written data, views or arguments they may desire. Communications should be

submitted in triplicate to the Regional Administrator, Federal Aviation Agency, New York International Airport, Jamaica, Long Island, New York. All communications received within thirty (30) days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for inspection at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to revoke the Greenfield, Massachusetts-Keene, New Hampshire segment of Blue Federal airway No. 45 by amending Parts 600 and 601 (14 CFR 1958, Supp. Parts 600, 601) as follows:

1. Section 600.645 *Blue Federal airway No. 45 (Greenfield, Mass., to Newport, Vt.)* is amended to read as follows:

**§ 600.645 Blue Federal airway No. 45 (Keene, N.H., to Newport, Vt.).**

From the Keene, N.H., nondirectional radio beacon to the Lebanon, N.H., nondirectional radio beacon. From the Montpelier, Vt., radio range station via the intersection of the northeast course of the Montpelier, Vt., radio range and a line bearing 180° true from Newport, Vt., nondirectional radio beacon to the Newport, Vt., nondirectional radio beacon excluding the portion which lies outside the continental limits of the United States.

2. Section 601.645 *Blue Federal airway No. 45 control area (Greenfield, Mass., to Newport, Vt.)* is amended to read as follows:

**§ 601.645 Blue Federal airway No. 45 Control area (Keene, N.H., to Newport, Vt.).**

All of Blue Federal airway No. 45.

Issued in Washington, D.C., on June 12, 1959.

D. D. THOMAS,  
Director,

Bureau of Air Traffic Management.

[F.R. Doc. 59-5042; Filed, June 17, 1959; 8:49 a.m.]

## [ 14 CFR Parts 600, 601 ]

[Airspace Docket 59-NY-3]]

FEDERAL AIRWAYS AND  
CONTROL AREASRevocation of Segment of Federal  
Airways and Associated Control  
Area

Pursuant to the authority delegated to me by the Administrator (Part 409.13, 24 F.R. 3498), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, as hereinafter set forth.

Green Federal airway No. 6 presently extends from Alice, Texas to Norfolk, Virginia. An IFR Peak-Day Airway Traffic Survey for each half of the calendar year 1958 shows less than ten aircraft movements for the segment from Richmond, Virginia to Norfolk, Virginia. On the basis of the survey, it appears that the retention of this airway segment and its associated Control area is unjustified as an assignment of airspace and that the revocation thereof would be in the public interest. If such action is taken, Green Federal airway No. 6 and the Control area associated with it would then extend from Alice, Texas to Richmond, Virginia.

Interested persons may submit such written data, views or arguments they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, New York International Airport, Jamaica, Long Island, New York. All communications received within thirty (30) days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW., Washington 25, D.C. An informal Docket will also be available for inspection at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to revoke the Richmond, Virginia-Norfolk, Virginia segment of Green Federal airway No. 6 by amending Parts 600 and 601 (14 CFR, 1958, Supp. Parts 600, 601) as follows:

## § 600.16 [Amendment]

1. Section 600.16 *Green Federal airway No. 6 (Alice, Texas, to Norfolk, Virginia)* is amended as follows: (a) Delete "(Alice, Texas, to Norfolk, Virginia)" and substitute therefor "(Alice, Texas, to Richmond, Virginia)". (b) Delete "Richmond, Virginia, radio range station; Norfolk, Virginia, radio range station to the Norfolk Municipal Airport, Norfolk, Virginia", and substitute "to the Richmond, Virginia, radio range station".

2. Section 601.16 *Green Federal airway No. 6 Control area (Alice, Texas, to Norfolk, Virginia)* is amended to read as follows:

§ 601.16 *Green Federal airway No. 6 Control area (Alice, Texas, to Richmond, Virginia).*

All of Green Federal airway No. 6.

Issued in Washington, D.C., on June 12, 1959.

D. D. THOMAS,  
Director,

Bureau of Air Traffic Management.

[F.R. Doc. 59-5043; Filed, June 17, 1959;  
8:49 a.m.]

## [ 14 CFR Parts 600, 601 ]

[Airspace Docket 59-NY-3k]

FEDERAL AIRWAYS AND  
CONTROL AREASRevocation of Segment of Federal  
Airways and Associated Control  
Area

Pursuant to the authority delegated to me by the Administrator (Part 409.13, 24 F.R. 3498), notice is hereby given that the Federal Aviation Agency is considering an amendment to Parts 600 and 601 of the regulations of the Administrator, as hereinafter set forth.

Red Federal airway No. 34 presently extends from Pulaski, Virginia to Weeksville, North Carolina. An IFR Peak-Day Airway Traffic Survey for each half of the calendar year 1958 shows less than ten aircraft movements for the segment from Pulaski, Virginia to Raleigh, North Carolina. On the basis of the survey, it appears that the retention of this airway segment and its associated Control area is unjustified as an assignment of airspace and that the revocation thereof would be in the public interest. If such action is taken, Red Federal airway No. 34 and the Control area associated with it would then extend from New Bern, North Carolina to Weeksville, North Carolina.

Interested persons may submit such written data, views or arguments they may desire. Communications should be submitted in triplicate to the Regional Administrator, Federal Aviation Agency, New York International Airport, Jamaica, Long Island, New York. All communications received within thirty (30) days after publication of this notice in the FEDERAL REGISTER will be considered before action is taken on the proposed

amendment. No public hearing is contemplated at this time, but arrangements for informal conferences with Federal Aviation Agency officials may be made by contacting the Regional Administrator, or the Chief, Airspace Utilization Division, Federal Aviation Agency, Washington 25, D.C. Any data, views or arguments presented during such conferences must also be submitted in writing in accordance with this notice in order to become part of the record for consideration. The proposal contained in this notice may be changed in the light of comments received.

The official Docket will be available for examination by interested persons at the Docket Section, Federal Aviation Agency, Room B-316, 1711 New York Avenue NW, Washington 25, D.C. An informal Docket will also be available for inspection at the office of the Regional Administrator.

This amendment is proposed under sections 307(a) and 313(a) of the Federal Aviation Act of 1958 (72 Stat. 749, 752; 49 U.S.C. 1348, 1354).

In consideration of the foregoing, it is proposed to revoke the Pulaski, Virginia-Raleigh, North Carolina, segment of Red Federal airway No. 34 by amending Parts 600 and 601 (14 CFR, 1958, Supp. Parts 600, 601) as follows:

1. Section 600.234 *Red Federal airway No. 34 (Pulaski, Virginia, to Weeksville, North Carolina)* is amended to read as follows:

§ 600.234 *Red Federal airway No. 34 (New Bern, North Carolina, to Weeksville, North Carolina).*

From the intersection of a line bearing 11° True from the New Bern, North Carolina, nondirectional radio beacon and the southwest course of the Norfolk, Virginia, radio range to the Weeksville, North Carolina (NAVY), radio range station.

2. Section 601.234 *Red Federal airway No. 34 Control area (Pulaski, Virginia, to Weeksville, North Carolina)* is amended to read as follows:

§ 601.234 *Red Federal airway No. 34 Control area (New Bern, North Carolina, to Weeksville, North Carolina).*

All of Red Federal airway No. 34.

Issued in Washington, D.C., on June 12, 1959.

D. D. THOMAS,  
Director,

Bureau of Air Traffic Management.

[F.R. Doc. 59-5044; Filed, June 17, 1959;  
8:50 a.m.]

FEDERAL COMMUNICATIONS  
COMMISSION

## [ 47 CFR Part 19 ]

[Docket No. 12902; FCC 59-555]

## CITIZENS RADIO SERVICE

## Notice of Proposed Rule Making

In the matter of amendment of § 19.71 of Part 19 *Citizens radio service*, to

specify certain exceptions to the requirements regarding licensed radio operators in connection with Class C and Class D stations in that service, upon certification of the equipment by the manufacturer; Docket No. 12902.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission proposes to amend paragraph (c) of § 19.71 of its rules, and to add a new paragraph (d) to that section, so as to provide, in the case of crystal-controlled Class C or Class D stations, a limited exception to the requirement that only licensed commercial radio operators, holding specified grades of licenses, may make certain adjustments and tests in connection with installation, servicing, maintenance, or operation thereof.

3. The foregoing exception is proposed only in the case of factory-assembled equipment which is certified by the manufacturer to meet certain conditions prescribed in the proposed rule amendment, or in the case of home-assembled equipment which is built from kits provided by a manufacturer who selects and provides all components of the equipment together with full and detailed instructions for their assembly and in addition certifies that the equipment meets all of the specific conditions prescribed in the proposed rules.

4. Authority for the amendments herein proposed, which are set forth in detail below is contained in sections 4(i) and 303 of the Communications Act of 1934, as amended.

5. Any person who is of the opinion that the proposed amendments should not be adopted or should not be adopted in the form set forth herein, and any person desiring to support this proposal may file with the Commission on or before July 10, 1959, a written statement or brief setting forth his comments. Replies to such comments may be filed within ten days from the last day for filing original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

6. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, and comments filed shall be furnished the Commission.

Adopted: June 10, 1959.

Released: June 12, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

1. Amend paragraph (c) of § 19.71 to read as follows:

(c) Except as provided in paragraph (d) of this section, all transmitter adjustments or tests while radiating energy during or coincident with the construc-

tion, installation, servicing, or maintenance of a radio station in this service, which may affect the proper operation of such station, shall be made by or under the immediate supervision and responsibility of a person holding a first or second-class commercial radio operator license, either radiotelephone or radiotelegraph, as may be appropriate for the type of emission employed, and such person shall be responsible for the proper functioning of the station equipment at the conclusion of such adjustments or tests.

2. Amend § 19.71 by the addition of the following new paragraphs:

(d) In the case of Class C or Class D stations in this service, no commercial radio operator license is required to be held by the person performing transmitter adjustments or tests during or coincident with the construction, installation, servicing, or maintenance of such stations: *Provided*, That there is compliance with all of the following conditions:

(1) The transmitting equipment shall be crystal-controlled with a crystal capable of maintaining the station frequency within the prescribed tolerance;

(2) The transmitting equipment either shall have been factory-assembled or shall have been provided in kit form by a manufacturer who provided all components together with full and detailed instructions for their assembly by non-factory personnel;

(3) The frequency determining elements of the transmitter, including the crystal(s) and all components of the crystal oscillator circuit, shall have been pre-assembled by the manufacturer, pretuned to a specific available frequency, and sealed by the manufacturer so that any adjustment which might cause off-frequency operation cannot be made without breaking such seal and thereby voiding the certification of the manufacturer required by this paragraph;

(4) The transmitting equipment shall have been so designed that none of the transmitter adjustments or tests normally performed during or coincident with the construction, installation, serv-

icing or maintenance of the station, or during the normal rendition of the service of the station, may reasonably be expected to result in off-frequency operation, excessive plate input power, over-modulation, excessive harmonics or other spurious emissions; and

(5) The manufacturer of the transmitting equipment or of the kit from which the transmitting equipment is assembled shall have certified in writing to the purchaser of the equipment (and to the Commission upon request) that the equipment has been designed, manufactured and furnished in accordance with the specifications contained in the foregoing subparagraphs of this paragraph:

*And provided further*, That, notwithstanding the foregoing provisions of this paragraph, whenever the transmitting equipment of a station is found operating contrary to any of the technical regulations contained in subpart C of this part, all transmitter adjustments or tests during or coincident with the servicing of that equipment for the purpose of restoring compliance with those regulations shall be made by or under the immediate supervision and responsibility of a person holding a first- or second-class commercial radio operator license, either radiotelephone or radiotelegraph, as may be appropriate for the type of emission employed, and such person shall be responsible for the proper functioning of the station equipment at the conclusion of such adjustments or tests.

(e) The manufacturer's certification concerning design and construction features of Class C or Class D station transmitting equipment, as required if the provisions of paragraph (d) of this section are invoked, may be specific as to a particular unit of transmitting equipment or general as to a group or model of such equipment, and may be in any form adequate to assure the purchaser of the equipment or the Commission that the conditions described in that paragraph have been fulfilled.

[F.R. Doc. 59-5062; Filed, June 17, 1959; 8:52 a.m.]

## NOTICES

### DEPARTMENT OF THE TREASURY

Office of the Secretary

[Dept. Circ. 570, 1959 Rev. Supp. 1]

ARGONAUT INSURANCE CO.

Surety Companies Acceptable on  
Federal Bonds

JUNE 12, 1959.

A Certificate of Authority has been issued by the Secretary of the Treasury to the following company under the Act of Congress approved July 30, 1947, 6 U.S.C., sections 6-13, as an acceptable surety on Federal Bonds. An underwriting limitation of \$457,000.00 has been established for the company. Further

details as to the extent and localities with respect to which the company is acceptable as surety on Federal Bonds will appear in the next revision of Treasury Department Circular No. 570, copies of which, when issued, may be obtained from the Treasury Department, Bureau of Accounts, Surety Bonds Branch, Washington 25, D.C.

Name of Company, Location of Principal Executive Office, and State in Which Incorporated

Argonaut Insurance Company, Menlo Park, Calif. (California).

[SEAL] LAURENCE B. ROBBINS,  
Acting Secretary of the Treasury.

[F.R. Doc. 59-5054; Filed, June 17, 1959; 8:51 a.m.]

# DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE

## Social Security Administration

### FINDING REGARDING FOREIGN SOCIAL INSURANCE AND PENSION SYSTEM OF BURMA

Section 202(b)(2) of the Social Security Act (42 U.S.C. 402(b)(2)) authorizes and requires the Secretary of Health, Education, and Welfare to find whether a foreign country has in effect a social insurance or pension system which is of general application in such country and under which periodic benefits, or the actuarial equivalent thereof, are paid on account of old age, retirement, or death, and individuals who are citizens of the United States but not citizens of such foreign country and who qualify for such benefits are permitted to receive such benefits or the actuarial equivalent thereof while outside such foreign country without regard to the duration of the absence.

Pursuant to authority duly vested in him by the Secretary of Health, Education, and Welfare, the Commissioner of Social Security has considered evidence presented by Burma with respect to the social insurance or pension system of such country, from which evidence it appears that such country does not have a social insurance or pension system of general application in such country which pays periodic benefits, or the actuarial equivalent thereof, on account of old age, retirement, or death.

Accordingly, it is hereby determined and found by the Commissioner of Social Security that Yugoslavia does meet the requirements of section 202(b)(2) of the Social Security Act (42 U.S.C. 402(b)(2)).

Dated: June 9, 1959.

[SEAL] W. L. MITCHELL,  
Commissioner of Social Security.

Approved: June 12, 1959.

ARTHUR S. FLEMMING,  
Secretary of Health, Education,  
and Welfare.

[F.R. Doc. 59-5047; Filed, June 17, 1959;  
8:50 a.m.]

# DEPARTMENT OF THE INTERIOR

## Bureau of Land Management

[Small Tract Classification Order 11]

### IDAHO

#### Small Tract Classification

JUNE 11, 1959.

1. Pursuant to authority delegated to me by Bureau Order No. 541, dated April 21, 1954 (19 F.R. 2473), I hereby classify the following-described public lands totaling 30 acres in Ada County, Idaho as suitable for lease and sale for residence purposes under the Small Tract Act of June 1, 1938 (52 Stat. 609, 43 U.S.C. 682a), as amended:

No. 119—4

### BOISE MERIDIAN, IDAHO

T. 4 N., R. 3 E.,

Section 30: SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , S $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$ , N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$ .

2. Classification of the above-described lands by this order segregates them from all appropriations, including locations under the mining laws, except as to applications under the Small Tract Act and applications under the mineral leasing laws.

3. The lands are located approximately 3 miles northeasterly from Boise, Idaho and are accessible by means of a semi-improved county road. The topography is steep and rolling with two prominent spur ridges crossing the area. The elevation is about 3,800 feet. The annual precipitation averages about 12 inches. The soils are primarily decomposed granite with no observable rock outcrops showing on the surface. The native cover consists of an open grass stand with occasional clumps of sagebrush. Culinary water is not available from any developed source. Some culinary water

probably can be developed from surface sources in the area. The possibility of developing culinary water from wells is unknown. Power and telephone facilities are not available at the land but can be brought in from Boise. Schools, stores, and other public facilities are available in Boise. There is no evidence of metallic or nonmetallic minerals.

4. The individual tracts all contain 2.5 acres according to the public land surveys and are square in shape. An unofficial plat showing the location of the tracts can be obtained from the Manager, Land Office, Box 2237, Boise, Idaho. The appraised values of the tracts range from \$275 to \$375 as shown below. The advance three-year rental for each tract is \$51. Rights-of-way, 30 and 50 feet in width for road purposes and for public utilities, will be reserved along existing roads and certain tract boundaries as shown below. Unofficial plats showing the location of the roads can be obtained from the Land Office Manager. All minerals in the lands will be reserved to the United States.

Tract No.	Legal description	Right-of-way width and location	Appraised value
11	SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	30' existing dirt road	\$375.00
12	NW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	30' existing dirt road	375.00
13	NE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	30' existing dirt road	375.00
14	NW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	30' existing dirt road	325.00
5	SE $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	50' existing county road, 15' S. boundary	325.00
16	SW $\frac{1}{4}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	30' existing dirt road, 50' existing county road, 15' S. boundary	375.00
17	SE $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	30' existing dirt road, 50' existing county road, 15' S. boundary	375.00
18	SW $\frac{1}{4}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$	50' existing county road, 15' S. boundary	375.00
9	NW $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$	15' N. boundary	275.00
10	NE $\frac{1}{4}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$	15' N. boundary	375.00
11	NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$	15' N. boundary	275.00
12	NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$	15' N. boundary	275.00

<sup>1</sup> Included in an application from an individual entitled to preference under 43 CFR 257.5(a). In addition, there are 5 applications outside the area from individuals entitled to such preference. To obtain this preference the applicants must conform to the size and dimensions of the tracts as set forth in the above schedule. As all applications were for 5 acres and since the tracts were reduced in size, conformance by these applicants will make 3 additional tracts available for application.

5. Leases will be issued for a term of three years and will contain an option to purchase in accordance with 43 CFR 257.13. Lessees who comply with the general terms and conditions of their leases will be permitted to purchase their tracts at the prices listed above providing that during the period of their leases they either (a) construct the improvements specified in Paragraph 7 or (b) file a copy of an agreement in accordance with 43 CFR 257.13(d). Leases will be renewable at the discretion of the Bureau of Land Management, and the renewal lease will be subject to such terms and conditions as are deemed necessary in the light of the circumstances and the regulations existing at the time of renewal. However, a lease will not be renewable unless failure to construct the required improvements is justified under the circumstances and nonrenewal would work an extreme hardship on the lessee.

6. Persons who have previously acquired a tract under the Small Tract Act are not qualified to secure a tract unless they can make a showing satisfactory to the Bureau of Land Management that the acquisition of another tract is warranted in the circumstances.

7. The improvements referred to in paragraph 5 above must conform with health, sanitation, and construction re-

quirements of applicable ordinances and must, in addition, meet the following requirements:

The dwelling must be suitable for year-round residence, must be neat and attractive, and must be placed on permanent foundations with adequate footings. All buildings must be built in a workmanlike manner of attractive, properly finished materials and may consist of wood or masonry construction. The dwelling shall have a floor space of not less than 900 square feet.

All dwellings must be connected to a sewage disposal system in accordance with the requirements of the Ada County Sanitary Code as to type, size, and construction. No other type of sewage disposal will be permitted. For information relative to sanitary requirements the lessee may contact the City-County Health Department, 209 Sherwood, Boise, Idaho. An applicant for purchase will be required to submit a certificate of approval signed by the proper authority of the Health Department.

Plumbing facilities must be completed inside the dwelling, and electrical wiring and fixtures must be installed.

8. Applicants must file, in duplicate, with the Manager, Land Office, Box 2237, Boise, Idaho, application Form 4-776 filled out in compliance with the instruc-



tions on the form and accompanied by any showings or documents required by those instructions. Copies of the application form can be secured from the above-named official.

The applications must be accompanied by a filing fee of \$10.00 plus the advance rental specified in Paragraph 4. Failure to transmit these payments with the application will render the application invalid. Advance rentals will be returned to unsuccessful applicants. All filing fees will be retained by the United States.

9. The lands are now subject to application under the Small Tract Act. All valid applications filed prior to April 1, 1959, will be granted the preference right provided by 43 CFR 257.5(a). All valid applications from persons entitled to veteran's preference filed after June 12, 1959 and prior to 10:00 a.m., July 18, 1959, will be considered as simultaneously filed at that time. All valid applications from persons entitled to veteran's preference filed after that time will be considered in the order of filing. All valid applications from other persons filed after June 12, 1959, and prior to 10:00 a.m. October 17, 1959, will be considered as simultaneously filed at that time. All valid applications filed after that time will be considered in the order of filing.

10. Inquiries concerning these lands shall be addressed to Manager, Land Office, Box 2237, Boise, Idaho.

J. R. PENNY,  
State Supervisor.

[F.R. Doc. 59-5023; Filed, June 17, 1959;  
8:46 a.m.]

[Anchorage Land District, Notice 1]

## ALASKA

### Notice of Filing of Alaska Protraction Diagrams

JUNE 11, 1959.

Notice is hereby given that the following protraction diagrams have been officially filed of record in the Anchorage Land Office, 334 East Fifth Avenue, Anchorage, Alaska effective upon publication of this notice and will become the basic record for the description of oil and gas lease offers filed after 10:00 a.m. June 22, 1959, in accordance with 43 CFR 192.42a(c) (24 F.R. 4140, May 22, 1959).

#### Alaska Protraction Diagrams:

- Sheet S 13-2, Ts. 13 to 16 N., Rs. 5 to 8 W., Seward Meridian.
- Sheet S 13-2, Ts. 13 to 16 N., Rs. 9 to 12 W., Seward Meridian.
- Sheet S 13-4, Ts. 13 to 16 N., Rs. 13 to 16 W., Seward Meridian.
- Sheet S 13-5, Ts. 9 to 12 N., Rs. 13 to 16 W., Seward Meridian.
- Sheet S 13-12, Ts. 6 to 8 N., Rs. 14 to 16 W., Seward Meridian.

#### KENAI PLANNING SHEETS

1. Index.
2. Explanatory Statement.
3. Ts. 1 through 4 N., Rs. 1 through 4 W., Seward Meridian.
4. Ts. 1 through 4 N., Rs. 5 through 8 W., Seward Meridian.
5. Ts. 1 through 4 N., Rs. 9 through 12 W., Seward Meridian.
6. Ts. 5 through 8 N., Rs. 1 through 4 W., Seward Meridian.

7. Ts. 5 through 8 N., Rs. 5 through 8 W., Seward Meridian.
8. Ts. 5 through 8 N., Rs. 9 through 12 W., Seward Meridian.
9. Ts. 9 through 10 N., Rs. 1 through 4 W., Seward Meridian.
10. Ts. 9 through 11 N., Rs. 5 through 8 W., Seward Meridian.
11. Ts. 9 N., Rs. 9 through 10 W., Seward Meridian.
12. Ts. 1 through 4 S., Rs. 1 through 4 W., Seward Meridian.
13. Ts. 1 through 4 S., Rs. 5 through 8 W., Seward Meridian.
14. Ts. 1 through 4 S., Rs. 9 through 12 W., Seward Meridian.
15. Ts. 1 through 4 S., Rs. 13 through 15 W., Seward Meridian.
16. Ts. 5 through 6 S., Rs. 1 through 4 W., Seward Meridian.
17. Ts. 5 through 8 S., Rs. 5 through 8 W., Seward Meridian.
18. Ts. 5 through 8 S., Rs. 9 through 12 W., Seward Meridian.
19. Ts. 5 through 8 S., Rs. 13 through 15 W., Seward Meridian.
20. Ts. 9 through 10 S., Rs. 6 through 8 W., Seward Meridian.
21. Ts. 9 through 11 S., Rs. 9 through 12 W., Seward Meridian.
22. Ts. 9 through 12 S., Rs. 13 through 16 W., Seward Meridian.

Copies of these diagrams are for sale for one dollar (\$1.00) per sheet by the Cadastral Engineering Office, Bureau of Land Management, mailing address 334 East Fifth Avenue, Anchorage, Alaska.

IRVING W. ANDERSON,  
Manager.

[F.R. Doc. 59-5022; Filed, June 17, 1959;  
8:46 a.m.]

## FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12627 etc.; FCC 59-540]

ROBERT C. CRABB ET AL.

### Memorandum Opinion and Order Amending Issues

In re applications of Robert C. Crabb, Los Angeles, California, Docket No. 12627, File No. 1387-C2-P/ML-58; Farrell McKean, d/b as Business and Professional Telephone Exchanges, Los Angeles, California, Docket No. 12628, File No. 1603-02-P-58; George W. Smith, Santa Ana, California, Docket No. 12631, File No. 2797-C2-P-58; Benjamin H. Warner, Jr., Santa Ana, California, Docket No. 12632, File No. 2801-02-P-58; one-way signaling stations in the domestic public land mobile radio service.

1. The Commission has before it for consideration a motion for declaratory ruling, and other relief filed April 23, 1959 by Farrell A. McKean, d/b as Business and Professional Telephone Exchanges (McKean); a petition for waiver of § 21.505 of the rules and enlargement of issues filed April 22, 1959 by Robert C. Crabb (Crabb); and a statement of the Acting Chief, Common Carrier Bureau filed April 28, 1959.

2. Crabb and McKean applied for construction permits for one-way signaling stations in Los Angeles, George W. Smith and Benjamin H. Warner, Jr. applied for similar authorizations in Santa Ana, and Lyman G. Berg, licensee of Station

KMD691, San Diego, applied for a construction permit to change transmitter location. These applications were designated for consolidated hearing by Commission Order released October 16, 1958. By a Memorandum Opinion and Order adopted this same date, the application of Lyman G. Berg was removed from hearing and granted.

3. Crabb and McKean propose transmitter sites on Mt. Wilson, with a height above average terrain of 2821 and 2970 feet respectively. At the time the applications were designated for hearing, § 21.505 of the rules permitted maximum effective radiated power at antenna heights in excess of 500 feet above average terrain upon a showing of need therefor. By order adopted January 7, 1959, § 21.505 was amended to limit the effective radiated power of base stations using antenna heights in excess of 500 feet. Compliance with § 21.505, as amended, would necessitate a reduction in effective radiated power from the 250 watts specified in the applications to 11.2 watts.

4. Crabb petitions the Commission for a waiver of § 21.505 of the Commission rules and for an enlargement of issues to authorize the Examiner to make a finding as to whether or not the public interest would be served by a grant of the requested waiver. In support of his request, Crabb submitted an engineering statement showing the difference in coverage of the 43 dbu service contour with effective radiated powers of 250 watts and 11.2 watts. The statement indicates that the proposed station when operating at the lower power would cover an area of 1475 square miles containing 3,848,785 people as compared with an area of 4550 square miles containing 5,642,780 people when operating at 250 watts. It is alleged that when operating with the lower power the 43 dbu contour would not encompass the entire city of Los Angeles or the Los Angeles metropolitan area. The petitioner further states that due to the nature of the terrain in the Los Angeles area he does not believe that a site could be found within the Los Angeles area from which a station operating in compliance with § 21.505 could provide the necessary coverage.

5. McKean, in his motion, requests the Commission to issue a declaratory ruling to the effect that a waiver will be granted for the operation of his proposed station with power and antenna height in excess of the maxima specified in § 21.505 of the rules. In support thereof, McKean submitted an engineering statement depicting the 43 dbu contours when operating with 250 and 11.2 watts effective radiated power, and stating that at the lower power a 75 percent loss of service area would be suffered. McKean further states that a station authorized prior to the amendment of § 21.505 is operating with power and antenna height in excess of that permitted by amended § 21.505 at the site specified in his application and operation by McKean at reduced power would result in a serious competitive disadvantage.

6. The Common Carrier Bureau supports the petition and motion to the ex-



tent of adding the requested issue, but opposes the balance of each request because it believes insufficient facts have been shown to support a grant thereof, and such facts should be adduced on the record.

7. It appears that when operating in compliance with § 21.505 of the rules the Crabb and McKean proposals would not serve the entire city of Los Angeles or the Los Angeles metropolitan area, whereas a waiver of the rule would extend the proposed service to the entire Los Angeles metropolitan area. Whether such a waiver should be granted depends upon the public need for the proposed service in the areas in question. It is the Commission's view that the facts relative to such need can best be determined at the hearing herein.

Accordingly, it is ordered, That issues are enlarged to include the following:

(10) To determine the facts and justification in support of a waiver of § 21.505 of the rules on behalf of the two Los Angeles applicants herein.

(11) To determine, on the basis of evidence adduced, whether § 21.505 of the rules should be waived in full or in part.

It is further ordered, That the petition for waiver of § 21.505 of the rules and enlargement of issues filed April 24, 1959, by Robert C. Crabb, and the motion for declaratory ruling and other relief filed April 24, 1959, by Farrell A. McKean, d/b as Business and Professional Telephone Exchanges are granted to the extent indicated above, and in all other respects, are denied.

Adopted: June 10, 1959.

Released: June 12, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-5063; Filed, June 17, 1959;  
8:52 a.m.]

[Docket No. 12824; FCC 59M-746]

## INTER-CITIES BROADCASTING CO.

### Order Governing Course of Hearing

In re application of Theodore A. Kolasa, Henry J. Kolasa, Mitchell A. Kolasa and Alphonse R. Deresz, d/b as Inter-Cities Broadcasting Company, Livonia, Michigan, Docket No. 12824, File No. BP-10991; for construction permit for a new standard broadcast station.

At a pre-hearing conference held on June 11, 1959, the following calendar of future steps in the proceeding was established:

July 13, 1959: Inter-Cities Broadcasting Company's direct written presentation to be furnished other parties and the Examiner.

July 20, 1959: Informal engineering conference.

August 10, 1959: In the event station WGAR proposes to make rebuttal showing, that showing will be reduced to writing and copies furnished to other parties and to the Examiner.

September 2, 1959: All showings crystallized. No change in showings unless directed

by the Examiner. Further pre-hearing conference.

September 8, 1959: Hearing.

So ordered, This 11th day of June 1959.

Released: June 12, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-5064; Filed, June 17, 1959;  
8:52 a.m.]

[Docket No. 12864; FCC 59M-749]

## VIRGIN ISLANDS BROADCASTING SYSTEM

### Order

In re application of Mary Louise Vickers, tr/as Virgin Islands Broadcasting System, Christiansted, Virgin Islands, Docket No. 12864, File No. BMP-8149; for additional time to construct Station WDTV.

It appearing that the applicant has been given until June 23, 1959, to file written appearance in this proceeding, and therefore it would be appropriate to postpone the prehearing conference to a date subsequent thereto;

Accordingly, it is ordered, This 12th day of June 1959, that the prehearing conference in this proceeding now scheduled for June 19, 1959, is postponed to Friday, June 26, 1959, at 10:00 o'clock a.m., in the offices of the Commission, Washington, D.C.

Released: June 12, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-5065; Filed, June 17, 1959;  
8:52 a.m.]

[Docket No. 12888]

## DALE A. HOPPE

### Order Designating Matter for Hearing on Stated Issues

In the matter of Dale A. Hoppe, La Crescenta, California, Docket No. 12888; suspension of amateur radio operator license (W6VSS).

The Commission having under consideration the application of Dale A. Hoppe, 4945 Boston Avenue, La Crescenta, California, for a hearing in the above-entitled matter;

It appearing that the said Dale A. Hoppe, acting in accordance with the provisions of section 303(m) (2) of the Communications Act of 1934, as amended, filed with the Commission within the time provided therefor, an application requesting a hearing on the Commission's Order released May 11, 1959, suspending his Advanced Class Amateur Radio Operator license for a period of one year; and

It further appearing that under the provisions of section 303(m) (2) of the

Communications Act of 1934, as amended, said licensee is entitled to a hearing in this matter, and that, upon the filing of a timely written application for such hearing, the Commission's Order of Suspension is held in abeyance until the conclusion of proceedings on such application;

It is ordered, This 12th day of June 1959, under authority contained in section 303(m) (2) of the Communications Act of 1934, as amended, and section 0.292(f) of the Commission's rules, that the matter of the suspension of the Advanced Class Amateur Radio Operator license of Dale A. Hoppe be designated for hearing before a Hearing Examiner at a time and place later to be specified, upon the following issues:

1. To determine whether the licensee committed the violations of the Commission's rules as set forth in the Commission's Order of Suspension.

2. If the licensee committed such violations, to determine whether the facts or circumstances in connection therewith would warrant any change in the Commission's Order of Suspension.

It is further ordered, That a copy of this Order be transmitted by Certified Mail, Return Receipt Requested to Robert Short, Esq., 433 South Beverly Drive, Beverly Hills, California, and Mr. Dale A. Hoppe, 4945 Boston Avenue, La Crescenta, California.

Released: June 15, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-5066; Filed, June 17, 1959;  
8:52 a.m.]

[Docket No. 12889 etc.; FCC 59-545]

## CENTRAL MICHIGAN BROADCASTING CO. ET AL,

### Order Designating Applications for Consolidated Hearing On Stated Issues

In re applications of Central Michigan Broadcasting Co., Oil City, Michigan, req. 1370 kc, 5 kw, DA-Day, Docket No. 12889, File No. BP-11132; Grand Haven Broadcasting Company (WGHN), Grand Haven, Michigan, has 1370 kc, 500 w, Day, req. 1370 kc, 500 w, 1 kw-ES, DA-2, U, Docket No. 12110, File No. BP-11160; Harmon Leroy Stevens and John F. Wismer, d/b as Stevens-Wismer Broadcasting Company, Caro, Michigan, req. 1360 kc, 500 w, Day, Docket No. 12890, File No. BP-11315; Earl N. Peterson and Pearl C. Lewis, d/b as Flat River Broadcasting Company, Greenville, Michigan, req. 1380 kc, 500 w, DA-Day, Docket No. 12891, File No. BP-11611; Lloyd L. Savage, Omer K. Wright, Jae D. Kitchen and C. Wayne Wright, d/b as Caro Broadcasting Company, Caro, Michigan, req. 1360 kc, 500 w, Day, Docket No. 12892, File No. BP-11836; Robert F. Benkleman and James A. McCoy, d/b as Tuscola Broadcasting Company, Caro, Michigan, req. 1360 kc, 500 w, Day, Docket No. 12893, File No.

BP-12013; for construction permits for standard broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 10th day of June 1959;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, the applicants are legally, financially, technically and otherwise qualified to operate their proposed stations; but that the proposed operation of Station WGHN would cause interference to the proposed operation of the Central Michigan Broadcasting Co.; that the proposed operation of Central Michigan Broadcasting Company would cause interference to the proposed operation of the Flat River Broadcasting Company; that the simultaneous operation of the proposal of the Central Michigan Broadcasting Co. and any one of the proposals of the Stevens-Wismer Broadcasting Company, the Caro Broadcasting Company or the Tuscola Broadcasting Company would result in mutual interference; that the proposals of Stevens-Wismer Broadcasting Company, the Caro Broadcasting Company and the Tuscola Broadcasting Company are mutually exclusive; that, in addition, the proposed operation of the Central Michigan Broadcasting Company would receive interference from the existing operation of Stations WGHN and WSPD, Toledo, Ohio (1370 kc, 5 kw, DA-N, U); that the proposed operation of the Stevens-Wismer Broadcasting Company, the Caro Broadcasting Company and the Tuscola Broadcasting Company would receive interference from Stations WKMI, Kalamazoo, Michigan (1360 kc, 1 kw, 5 kw-LS, DA-N, U) and WLEW, Bad Axe, Michigan (1340 kc, 250 w, U); that the proposed operation of the Flat River Broadcasting Company would receive interference from Stations WKJG, Ft. Wayne, Indiana (1380 kc, 5 kw, DA-2, U) and WTTT, Port Huron, Michigan (1380 kc, 1 kw, DA-1, U); that because of interference received the proposed operations of the Central Michigan Broadcasting Co., the Stevens-Wismer Broadcasting Company, the Flat River Broadcasting Company, the Caro Broadcasting Company and the Tuscola Broadcasting Company may not be in compliance with § 3.28(c) of the Commission's rules in that the interference which would be received may affect more than ten percent of the population within their respective normally protected primary service areas; and

It further appearing that by letter dated May 21, 1958, counsel for the Flat River Broadcasting Company stated that it is prepared to show in hearing that Oil City, Michigan, is not a community within the meaning of section 307(b) of the Communications Act of 1934, as amended; that in response to the Commission's request for data to show whether Oil City is an integrated community, counsel for the Central Michigan Broadcasting Co. stated, by letter dated May 28, 1958, that "the proposed station is intended to serve a large rural area

rather than one particular community"; and

It further appearing that the Knorr Broadcasting Corporation, the principal stockholder (75 percent) of Central Michigan Broadcasting Co., is also licensee of Station WKMF, Flint, Michigan (1470 kc., 1 kw, 5 kw-LS, DA-2, U) and Station WSAM, Saginaw, Michigan (1400 kc, 250 w, Day), both of which serve a substantial portion of the normally protected service area of the Oil City proposal; that further, the combined 0.5 mv/m contours of the proposed Oil City and the existing WKMF operations encompass all of the existing WSAM 0.5 mv/m contour; that the 2 mv/m contours of the proposed Oil City and the existing WKMF operations encompass approximately 35 percent of the 2 mv/m contour of WSAM; that another application of Knorr Broadcasting Corporation to increase the daytime power of WSAM from 250 watts to one kilowatt would further increase the before-referenced overlap; that accordingly, Central Michigan Broadcasting Co. was notified by letter dated February 4, 1959 that its application may be in contravention of § 3.35 of the Commission rules on multiple ownership and concentration of control, but that in a reply dated February 11, 1959, counsel for Central Michigan Broadcasting Co. stated that the above application does not contravene § 3.35; and

It further appearing, that, pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in letters dated April 4 and December 17, 1957, April 29, July 15, and November 6, 1958, and February 4, 1959, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and

It further appearing that the instant applicants filed timely replies to the aforementioned letters, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant without hearing of the said applications; and in which the applicants stated that they would appear at a hearing on the instant applications; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

It is ordered, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WGHN and the

availability of other primary service to such areas and populations.

2. To determine the areas and populations which would receive primary service from the Central Michigan Broadcasting Co., the Stevens-Wismer Broadcasting Company, the Flat River Broadcasting Company, the Caro Broadcasting Company, and the Tuscola Broadcasting Company and the availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether, because of interference received, the proposed operation of the Central Michigan Broadcasting Co., the Stevens-Wismer Broadcasting Company, the Flat River Broadcasting Company, the Caro Broadcasting Company, and the Tuscola Broadcasting Company would comply with § 3.28(c) of the Commission's rules, and if compliance with § 3.28(c) is not achieved, whether circumstances exist which would warrant a waiver of said section of the rules.

5. To determine whether a grant of the instant proposal of Central Michigan Broadcasting Co. would be in contravention of the provisions of § 3.35 (a) and (b) of the Commission rules.

6. To determine whether the instant proposal of Central Michigan Broadcasting Co. would serve primarily a particular city, town, or other political subdivision as contemplated by § 3.30(a) of the Commission rules and, if not, whether circumstances exist which would warrant a waiver of said section.

7. To determine whether the antenna system proposed by Grand Haven Broadcasting Company would constitute a hazard to air navigation.

8. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would best provide a fair, efficient and equitable distribution of radio service.

9. To determine, in the event it is concluded, pursuant to the foregoing issue that one of the proposals for Caro, Michigan should be favored, which of the proposals of Stevens-Wismer Broadcasting Company, Caro Broadcasting Company, or Tuscola Broadcasting Company would best serve the public interest, convenience and necessity in the light of the evidence adduced under the issues herein and the record made with respect to the significant differences between the said applicants as to:

a. The background and experience of each having a bearing on the applicant's ability to own and operate the proposed standard broadcast station.

b. The proposal of each with respect to the management and operation of the proposed station.

c. The programming service proposed in each of the said applications.

10. To determine, in the light of the evidence adduced pursuant to the fore-

going issues which, if any, of the instant applications should be granted.

*It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this Order.

*It is further ordered*, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: June 15, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] MARY JANE MORRIS,

[F.R. Doc. 59-5067; Filed, June 17, 1959;  
8:52 a.m.]

[Docket No. 12894; FCC 59-547]

## HIGH FIDELITY STATIONS, INC. (KPAP)

### Order Designating Application for Hearing On Stated Issues

In re application of High Fidelity Stations, Inc. (KPAP), Redding, California, has 1270 kc, 1 kw, D, requests 1330 kc, 5 kw, D, Docket No. 12894, File No. BMP-8115; for construction permit for standard broadcast station.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 10th day of June 1959;

The Commission having under consideration the above captioned and described application;

It appearing that except as indicated by the issues specified below, the instant applicant is legally, technically, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that on the basis of the information submitted in the applicant's amendments of April 9 and 28, 1959, it cannot be found that the applicant is financially qualified to construct and operate the instant proposal and retire a \$29,000 note payable to Philip D. Jackson; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated February 18, 1959, and incorporated herein by reference, notified the applicant, and any other known parties in interest, of the grounds and reasons for the Commission's inability to

make a finding that a grant of the application would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the applicant filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant without hearing of the application; and in which the applicant stated that it would appear at a hearing on the instant application; and

It further appearing that after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

*It is ordered*, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station KPAP and the availability of other primary service to such areas and populations.

2. To determine whether the instant proposal of KPAP would involve objectionable interference with Station KCRA, Sacramento, California, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

3. To determine whether KPAP is financially qualified to construct and operate its proposed station.

4. To determine, in the light of the evidence adduced, pursuant to the foregoing issues, whether a grant of the instant application would serve the public interest, convenience and necessity.

*It is further ordered*, That KCRA, Inc., licensee of Station KCRA, Sacramento, California, is made a party to the proceeding.

*It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: June 15, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,  
[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-5068; Filed, June 17, 1959;  
8:52 a.m.]

[Docket Nos. 12895, 12896; FCC 59-548]

## BUCKLEY-JAEGER BROADCASTING CORP. AND WHDH, INC.

### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Buckley-Jaeger Broadcasting Corporation, Providence, Rhode Island, req. 94.1 Mc; #231; 16.81 kw; 138 ft., Docket No. 12895, File No. BPH-2552; WHDH, Inc., Boston, Massachusetts, has 94.5 Mc; #233; 20 kw; 455 ft., req. 94.5 Mc; #233; 3.25 kw; 979 ft., Docket No. 12896, File No. BPH-2575; for construction permits for FM broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 10th day of June 1959;

The Commission having under consideration the above captioned and described applications;

It appearing that except as indicated by the issues specified below, the instant applicants are legally, technically, and otherwise qualified to operate and construct the instant proposals; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated January 26, 1959, and incorporated herein by reference, notified the applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of either application would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant without hearing of either application; and in which the applicants stated they would appear at a hearing on the instant applications; and

It further appearing that Buckley-Jaeger Broadcasting Corporation, licensee of Station WHIM(AM), Providence, Rhode Island, proposes to mount the FM antenna on the WHIM tower with no change in its overall height; and

It further appearing that after consideration of the foregoing and the applicant's replies, the Commission is still unable to make the statutory finding that a grant of either application would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing on the issues specified below:

*It is ordered*, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations within the 50 uv/m and 1 mv/m contours of the proposed Buckley-Jaeger operation and the availability of other such FM broadcast service to the said areas and populations.

2. To determine the areas and populations within the 50 uv/m and 1 mv/m contours which may be expected to gain or lose service from the proposed operation of Station WHDH-FM and the availability of other such FM broadcast service to such areas and populations.

3. To determine whether the instant proposal of Buckley-Jaeger would involve objectionable interference with the WHDH-FM proposal or any other existing FM broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other service to such areas and populations.

4. To determine in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would provide a fair, efficient and equitable distribution of radio service.

5. To determine, in the light of the evidence adduced, pursuant to the foregoing issues, which, if either, of the instant applications should be granted.

*It is further ordered*, That to avail themselves of the opportunity to be heard, the applicants, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

*It is further ordered*, That, in the event of a grant of the application of the Buckley-Jaeger Broadcasting Corporation, as a result of the hearing proceeding, such grant shall contain a condition requiring Station WHIM to receive permission from the Commission to determine power of WHIM by the indirect method during installation of the FM antenna and checking resistance of the tower after the installation has been completed; any change in resistance will necessitate submission of Forms 302 for WHIM.

*It is further ordered*, That the issues in the above-entitled proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding and upon a sufficient allegation of facts in support thereof, by the addition of the following issue: To determine whether funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: June 12, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-5069; Filed, June 17, 1959;  
8:52 a.m.]

[Docket No. 12897; FCC 59-549]

**SHERRILL C. CORWIN (KFMC)**

### Order Designating Application for Hearing on Stated Issues

In re application of Sherrill C. Corwin (KFMC), Santa Barbara, California, has 107.9 Mc, #300; 29.5 kw; -800 ft., requests 107.9 Mc, #300; 41.34 kw; 2,911 ft., Docket No. 12897, File No. BMPH-5408; for modification of construction permit for FM broadcast station.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 10th day of June 1959;

The Commission having under consideration the above-captioned and described application;

It appearing that except as indicated by the issues specified below, the instant applicant is legally, technically, financially, and otherwise qualified to construct and operate the instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated April 6, 1959, and incorporated herein by reference, notified the applicant, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of the application would serve the public interest, convenience and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the applicant filed a timely reply to the aforementioned letter, which reply has not, however, entirely eliminated the grounds and reasons precluding a grant without hearing on the application; and

It further appearing that after consideration of the foregoing and the applicant's reply, the Commission is still unable to make the statutory finding that a grant of the application would serve the public interest, convenience, and necessity; and is of the opinion that the application must be designated for hearing on the issues specified below;

*It is ordered*, That pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant application is designated for hearing, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations within the 50 uv/m and 1 mv/m contours which may be expected to gain or lose service from the proposed operation of KFMC and the availability of other FM broadcast service to such areas and populations.

2. To determine whether the instant proposal of KFMC would involve objectionable interference with Station KANT-FM, Lancaster, California, or any other existing FM broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other service to such areas and populations.

3. To determine, in the light of the evidence adduced, pursuant to the fore-

going issues, whether a grant of the instant application would serve the public interest.

*It is further ordered*, That Cordell W. Fray, permittee of Station KANT-FM, Lancaster, California, is made a party to the proceeding.

*It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicant and party respondent herein, pursuant to § 1.140 of the Commission's rules, in person or by attorney, shall, within 20 days of the mailing of this Order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

Released: June 15, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-5070; Filed, June 17, 1959;  
8:53 a.m.]

[Docket Nos. 12898, 12899; FCC 59-551]

**TYRONE BROADCASTING CO. (WTRN)  
AND TRIANGLE PUBLICATIONS,  
INC. (WFBG)**

### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of Cary H. Simpson, tr/as Tyrone Broadcasting Company (WTRN), Tyrone, Pennsylvania, has 1290 kc, 1 kw, Day, requests 1340 kc, 250 w, U, Docket No. 12898, File No. BP-11358; Triangle Publications, Inc. (WFBG), (Radio & Television Division), Altoona, Pennsylvania, has 1340 kc, 250 w, U, requests 1290 kc, 1 kw, 5 kw-LS, DA-2, U, Docket No. 12899, File No. BP-11902; for construction permits for standard broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 10th day of June 1959;

The Commission having under consideration the above captioned and described applications;

It appearing that except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal; and

It further appearing that pursuant to section 309(b) of the Communications Act of 1934, as amended, the Commission, in a letter dated March 25, 1959, and incorporated herein by reference, notified the instant applicants, and any other known parties in interest, of the grounds and reasons for the Commission's inability to make a finding that a grant of any one of the applications would serve the public interest, convenience, and necessity; and that a copy of the aforementioned letter is available for public inspection at the Commission's offices; and

It further appearing that the instant applicants filed timely replies to the aforementioned letter, which replies have not, however, entirely eliminated the grounds and reasons precluding a grant without hearing of the said applications; and

It further appearing that by amendment filed April 22, 1959, WFBG submitted measurement data indicating that no interference would be caused to Station WNEF, Binghamton, New York, of which Triangle Publications, Inc., is also the licensee; and purporting to show that the proposed operation of WFBG would be in compliance with § 3.28(c) of the Commission Rules; notwithstanding the fact that interference received from WNEF, Binghamton, New York, and WHIO, Dayton, Ohio, would affect more than ten percent of the population within the proposed primary service area because the proposed operation would come within one of the exceptions stated in said rule in that twenty-five percent or more of the proposed nighttime primary service area is without primary nighttime service at present; but that the proposed operation of WFBG will not comply with § 3.28(c) (2) of the rules in that the proposed operation will not provide primary service to the entire community of Altoona at night; and

It further appearing that by letter dated March 17, 1959, WFBG requested a waiver of the requirements of § 3.28(c) of the rules, but that the Commission is unable to determine on the basis of the information before it whether circumstances exist which would warrant a waiver of § 3.28(c) of the rules; and

It further appearing that in an amendment filed April 27, 1959, WTRN agreed to accept any interference which may be received from the operation of Station WEPM, Martinsburg, West Virginia, proposed in the application of C. M. Zinn and C. Leslie Golliday d/b as Martinsburg Broadcasting Company, File No. BP-12375, proposing to increase daytime power of WEPM from 250 watts to one kilowatt; and submitted a letter dated April 22, 1959, from WBLF, Bellefonte, Pennsylvania, in which Station WBLF agrees to accept the interference which would be caused by the proposed operation of WTRN; and

It further appearing that each of the instant applications is contingent upon a grant of the other; and

It further appearing that after consideration of the foregoing and the applicants' replies, the Commission is still unable to make the statutory finding that a grant of the applications would serve the public interest, convenience, and necessity; and is of the opinion that the applications must be designated for hearing in a consolidated proceeding on the issues specified below;

*It is ordered*, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the instant applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent Order, upon the following issues:

1. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operations of Stations WTRN and WFBG

and the availability of other primary service to such areas and populations.

2. To determine whether interference received from Stations WNEF, Binghamton, New York, and WHIO, Dayton, Ohio, would affect more than ten percent of the population within the normally protected primary service area of the instant proposal of WFBG, in contravention of § 3.28(c) (3) of the Commission rules, and, if so, whether circumstances exist which would warrant a waiver of said section.

3. To determine whether the instant proposal of Triangle Publications, Inc., would provide the coverage of the city sought to be served, as required by §§ 3.188(b) (2) and 3.28(c) (2) of the Commission rules.

4. To determine, in the light of the evidence adduced, pursuant to the foregoing issues, whether grants of the instant applications would serve the public interest, convenience and necessity.

*It is further ordered*, That, in the event of a grant of the application of Cary H. Simpson tr/as Tyrone Broadcasting Company, the construction permit shall contain a condition that Station WTRN shall accept any interference which may be received as a result of a grant of the application of C. M. Zinn and C. Leslie Golliday d/b as Martinsburg Broadcasting Company, File No. BP-12375, for a construction permit to increase the daytime power of Station WEPM, Martinsburg, West Virginia, from 250 watts to one kilowatt.

*It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

*It is further ordered*, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals set forth in the application will be effectuated.

Released: June 15, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-5071; Filed, June 17, 1959;  
8:53 a.m.]

[Docket Nos. 12900, 12901; FCC 59-552]

### JOHN LAURINO AND CAPITAL BROADCASTING CO. (WNAV)

#### Order Designating Applications for Consolidated Hearing on Stated Issues

In re applications of John Laurino, Ashland, Virginia, requests 1430 kc, 1 kw,

Day, Docket No. 12900, File No. BP-12112; The Capital Broadcasting Company (WNAV), Annapolis, Maryland, has 1430 kc, 1 kw, DA-N, U, requests 1430 kc, 1 kw, 5 kw-LS, DA-N, U, Docket No. 12901, File No. BP-12773; for construction permits for standard broadcast stations.

At a session of the Federal Communications Commission held at its offices in Washington, D.C., on the 10th day of June 1959;

The Commission having under consideration the above-captioned and described applications;

It appearing that except as indicated by the issues specified below, each of the applicants is legally, technically, financially, and otherwise qualified to construct and operate its instant proposal, but that the proposals involve mutual interference; that the proposed operation of John Laurino would cause slight interference to the existing operation of Station WNAV; that the proposed operation of WNAV would involve slight objectionable interference with Station WDDY, Gloucester, Virginia; and

It further appearing that pursuant to § 1.362(c) of the Commission rules, both applicants herein, by amendments filed March 2, 1959, expressly waived their rights under section 309(b) of the Communications Act of 1934, as amended, to be advised by letter of any deficiencies in their respective applications; and that neither applicant has filed objection to the waiver filed by the other applicant; and

It further appearing that the public interest would be served by allowing said notice to be waived as requested by the instant applicants, see Niagara Frontier Amusement Corp., 10 Pike and Fischer R.R. 57, 58; and Order of the Commission, FCC 59-192, released March 11, 1959; and that no other party will be prejudiced thereby, since the applicants are the only parties entitled under section 309(b) to reply to a letter advising them of the deficiencies found; and

It further appearing that in the event of a grant of the application of WNAV, the construction permit should contain a condition that before program tests are authorized the permittee shall submit a non-directional proof of performance to establish that the inverse distance field at one mile has been reduced to essentially 435 mv/m as proposed; and

It further appearing that the Commission, after consideration of the above, is of the opinion that a hearing is necessary;

*It is ordered*, That, pursuant to section 309(b) of the Communications Act of 1934, as amended, the applications are designated for hearing in a consolidated proceeding, at a time and place to be specified in a subsequent order, upon the following issues:

1. To determine the areas and populations which would receive primary service from the proposal of John Laurino and the availability of other primary service to such areas and populations.

2. To determine the areas and populations which may be expected to gain or lose primary service from the proposed operation of Station WNAV and the



availability of other primary service to such areas and populations.

3. To determine the nature and extent of the interference, if any, that each of the instant proposals would cause to and receive from each other and all other existing standard broadcast stations, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

4. To determine whether the instant proposal of John Laurino would involve objectionable interference with Station WNAV, Annapolis, Maryland, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

5. To determine whether the instant proposal of WNAV would involve objectionable interference with Station WDDY, Gloucester, Virginia, or any other existing standard broadcast stations, and, if so, the nature and extent thereof, the areas and populations affected thereby, and the availability of other primary service to such areas and populations.

6. To determine, in the light of section 307(b) of the Communications Act of 1934, as amended, which of the instant proposals would better provide a fair, efficient and equitable distribution of radio service.

7. To determine, in the light of the evidence adduced pursuant to the foregoing issues which, if either, of the instant applications should be granted.

*It is further ordered*, That Cape Radio, Inc., licensee of Station WDDY, is made a party to the proceeding, and The Capital Broadcasting Company is made a party respondent with respect to the existing operation of Station WNAV.

*It is further ordered*, That, in the event of a grant of the application of The Capital Broadcasting Company, the construction permit shall contain a condition that, before program tests are authorized, the permittee shall submit a non-directional proof of performance to establish that the inverse distance field at one mile has been reduced to essentially 435 mv/m as proposed.

*It is further ordered*, That, to avail themselves of the opportunity to be heard, the applicants and parties respondent herein, pursuant to § 1.140 of the Commission rules, in person or by attorney, shall, within 20 days of the mailing of this order, file with the Commission, in triplicate, a written appearance stating an intention to appear on the date fixed for the hearing and present evidence on the issues specified in this order.

*It is further ordered*, That, the issues in the above-captioned proceeding may be enlarged by the Examiner, on his own motion or on petition properly filed by a party to the proceeding, and upon sufficient allegations of fact in support thereof, by the addition of the following issue: To determine whether the funds available to the applicant will give reasonable assurance that the proposals

set forth in the application will be effectuated.

Released: June 15, 1959.

FEDERAL COMMUNICATIONS  
COMMISSION,

[SEAL] MARY JANE MORRIS,  
Secretary.

[F.R. Doc. 59-5072; Filed, June 17, 1959;  
8:53 a.m.]

## ATOMIC ENERGY COMMISSION

[Docket 50-133]

### PACIFIC GAS & ELECTRIC CO.

#### Notice of Amendment of Application for Construction Permit and Utiliza- tion Facility License

Please take notice that the notice with respect to the application for a construction permit and facility license filed by the Pacific Gas & Electric Company which appeared in the FEDERAL REGISTER on June 12, 1959, 24 F.R. 4776, was incorrect in that the description of the facility should have read " \* \* \* a 50 megawatt (electrical) \* \* \* reactor" instead of " \* \* \* a 50 megawatt (thermal) \* \* \* reactor".

Dated at Germantown, Md., this 17th day of June 1959.

For the Atomic Energy Commission.

H. L. PRICE,  
Director, Division of  
Licensing and Regulation.

[F.R. Doc. 59-5137; Filed, June 17, 1959;  
11:39 a.m.]

## FEDERAL POWER COMMISSION

[Project No. 2238]

### SHERIDAN COUNTY WATER DISTRICT, WALDO PROJECT

#### Land Withdrawal

JUNE 12, 1959.

Conformable to the provisions of section 24 of the Act of June 10, 1920, as amended, notice is hereby given that the lands hereinafter described, insofar as title thereto remains in the United States, are included in power project No. 2238 for which application for preliminary permit was filed December 16, 1957. Under said section 24 all lands of the United States lying within the boundaries of the project as delimited on map exhibits filed in support thereof are from said date of filing reserved from entry, location or other disposal under the laws of the United States until otherwise directed by the Commission or by Congress.

MOUNT DIABLO MERIDIAN

Acquired Lands:

T. 14 N., R. 6 E.,  
Sec. 2: Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
Sec. 3: Lots 1, 2, 3, 4, S $\frac{1}{2}$ N $\frac{1}{2}$ , S $\frac{1}{2}$ ;  
Sec. 4: Lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ ;  
Sec. 10: N $\frac{1}{2}$ , SE $\frac{1}{4}$ ;  
Sec. 11: N $\frac{1}{2}$ ;  
Sec. 15: N $\frac{1}{2}$ NE $\frac{1}{4}$ , SE $\frac{1}{4}$ NE $\frac{1}{4}$ , S $\frac{1}{2}$ SW $\frac{1}{4}$ ,  
SE $\frac{1}{4}$ .

T. 15 N., R. 6 E.,

Sec. 5: SW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 6: Lots 1, 2, 3, of NE $\frac{1}{4}$ , N $\frac{1}{2}$ SE $\frac{1}{4}$ ,  
SE $\frac{1}{4}$ SE $\frac{1}{4}$ ;  
Sec. 7: NE $\frac{1}{4}$ NE $\frac{1}{4}$ ;  
Sec. 8: NW $\frac{1}{4}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ NW $\frac{1}{4}$ , S $\frac{1}{2}$ ;  
Sec. 9: Lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 16: Lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$ , E $\frac{1}{2}$ ;  
Sec. 17: All;  
Sec. 20: All;  
Sec. 21: Lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$ , E $\frac{1}{2}$ ;  
Sec. 22: All;  
Sec. 23: S $\frac{1}{2}$ ;  
Sec. 24: SW $\frac{1}{4}$ ;  
Sec. 25: Lots 1, 2, NW $\frac{1}{4}$ , N $\frac{1}{2}$ SW $\frac{1}{4}$ , SE $\frac{1}{4}$ ,  
Mineral Lot 43;  
Sec. 26: Lots 1, 2, 3, 4, N $\frac{1}{2}$ , SW $\frac{1}{4}$ , NE $\frac{1}{4}$ ,  
SE $\frac{1}{4}$  Part of Mineral Lot 39, Mineral Lot  
42A;  
Sec. 27: All;  
Sec. 28: Lots 1, 2, 3, 4, E $\frac{1}{2}$ W $\frac{1}{2}$ , E $\frac{1}{2}$ ;  
Sec. 29: E $\frac{1}{2}$ ;  
Sec. 32: E $\frac{1}{2}$ ;  
Sec. 33: Lots 1, 2, W $\frac{1}{2}$ SW $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ , E $\frac{1}{2}$ ;  
Sec. 34: All;  
Sec. 35: Lots 1, 2, S $\frac{1}{2}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ , SE $\frac{1}{4}$ , Part  
of Mineral Lot 39, Mineral Lot 42B;  
Sec. 36: N $\frac{1}{2}$ , SW $\frac{1}{4}$ .  
T. 16 N., R. 6 E.,  
Sec. 31: Lots 1, 2, 3, 4, NE $\frac{1}{4}$ , E $\frac{1}{2}$ W $\frac{1}{2}$ ;  
Sec. 32: NE $\frac{1}{4}$ NE $\frac{1}{4}$ , W $\frac{1}{2}$ NW $\frac{1}{4}$ .  
T. 15 N., R. 7 E.,  
Sec. 30: Lots 3, 4, E $\frac{1}{2}$ SW $\frac{1}{4}$ ;  
Sec. 31: Lots 1, 2, E $\frac{1}{2}$ NW $\frac{1}{4}$ .  
Public Lands:  
T. 16 N., R. 6 E.,  
Sec. 14: Lots 4, 6;  
Sec. 27: NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$ ;  
Sec. 28: Lot 17.

The area reserved by the filing of this application is approximately 13,801.27 acres, of which approximately 13,728.90 acres are acquired lands within the Beale Air Force Base, of the total area approximately 59.96 acres of Public Lands have been heretofore reserved, for power in connection with Project No. 187 or Power Site Classification No. 183.

Copies of map Exhibits "H" (FPC No. 2238-1) and "I" (FPC No. 2238-2) are being transmitted to Bureau of Land Management, Geological Survey, Department of Defense and General Services Administration.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 59-5014; Filed, June 17, 1959;  
8:45 a.m.]

[Docket No. G-15888, etc.]

### MIDDLE-STATES PETROLEUM CORP. ET AL.

#### Notice of Severance

JUNE 11, 1959.

In the matters of Middle States Petroleum Corporation, et al., Docket Nos. G-15888, et al.; Estate of Lyda Bunker Hunt, deceased, Docket No. G-15923.

Take notice that the application in the Matter of the Estate of Lyda Bunker Hunt, deceased, in Docket No. G-15923 which has been heretofore consolidated with various other applications in a proceeding entitled: In the matters of Middle States Petroleum Corporation, et al., Docket Nos. G-15888, et al., and scheduled to be heard therewith at 9:30 a.m., e.d.s.t., on June 23, 1959, is hereby severed from said consolidated proceeding for



such disposition as might hereafter be appropriate.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 59-5016; Filed, June 17, 1959;  
8:45 a.m.]

[Docket Nos. G-11390, G-14550]

**PARKER PETROLEUM COMPANY,  
INC., ET AL.**

**Notice of Petition and Application  
and Date of Hearing**

JUNE 11, 1959.

Take notice that Parker Petroleum Company, Inc., Operator, et al., (Parker)<sup>1</sup> filed a petition on February 21, 1958, to amend the Commission's order issued August 6, 1957, in the Matters of Parker Petroleum Company, Inc., Orville H. Parker and John S. Bottomly, et al., Docket Nos. G-11385, et al., by deleting certain acreage therefrom as hereinafter described, all as more fully represented in the petition.

The above-mentioned order, inter alia, authorized Parker, in Docket No. G-11390, to render service to Cities Service Gas Company (Cities Service) from the Glenwood Field, Beaver County, Oklahoma, under a contract dated November 7, 1955. The petition herein seeks to delete from such authorization leases covering the NW/4 Section 32-6N-28E in the Parker-Berends Unit comprising all of Section 32-6N-28E, and Lots 1 and 2 of Section 31-6N-27E in the Shell-Lonker Unit comprising in addition to said tract all of Section 36-6N-27E.

In support thereof, Parker states that gas from the remainder of said units is sold to Northern Natural Gas Company (Northern) and that inasmuch as only one well per section could be drilled under the State of Oklahoma's spacing regulations, it was impossible to segregate the gas to comply with the terms of the Cities Service contract and of the various contracts with Northern. Cities Service, therefore, by agreements dated November 14, 1957, and January 3, 1958, released the above-described acreage from its gas purchase contract of November 7, 1955, rather than make a dual connection to the wells or other arrangements for receiving the fractional interest in the gas produced.

Concurrently with the above petition, Parker, Operator, et al., filed an application in Docket No. G-14550 for authorization to render service to Northern from the aforementioned acreage, in ad-

dition to other acreage adjacent thereto, pursuant to a contract dated May 24, 1957, by and between Parker, et al., and Northern.

The petition and application filed herein are on file with the Commission and open to public inspection.

These related matters should be heard on a consolidated record and disposed of as promptly as possible under the applicable rules and regulations (and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 23, 1959, at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such applications: *Provided, however*, That the Commission may after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 10, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 59-5015; Filed, June 17, 1959;  
8:45 a.m.]

[Docket No. G-18697, etc.]

**SHELL OIL CO. ET AL.**

**Order for Hearings and Suspending  
Proposed Changes in Rates**

JUNE 11, 1959.

In the matters of Shell Oil Company (Operator), et al., Docket No. G-18697; Shell Oil Company (Operator), Docket No. G-18698; Shell Oil Company, Docket No. G-18699.

On May 13, 1959, Shell Oil Company, individually, as operator, and as operator, et al. (each hereinafter referred to as Shell), tendered for filing renegotiated contracts (rate schedules) dated May 1, 1959, and Notices of Change thereto, dated May 11, 1959 for jurisdictional sales of natural gas to United Gas Pipe Line Company (United). The proposed changes, which constitute increased rates and charges effective June 13, 1959,<sup>1</sup> are contained in the following designated filings:

<sup>1</sup> The stated effective date is the first day after expiration of the required thirty days' notice.

Respondent	Rate Schedule No.	Supplement No.	Docket No.
1. Shell Oil Co. (operator), et al.-----	202	-----	G-18697
	202	1	G-18697
	206	1	G-18697
	207	1	G-18697
2. Shell Oil Co. (operator)-----	203	-----	G-18698
	203	1	G-18698
3. Shell Oil Co.-----	204	-----	G-18699
	204	1	G-18699
	205	1	G-18699

Shell proposes six renegotiated rate increases pursuant to its new contracts, dated May 1, 1959, with United. The current rate under the contracts proposed to be superseded is 10.497¢ per Mcf, while the rates provided in the new contracts range 20.55¢ to 23.55¢ per Mcf.

In support of the increased rates Shell states (1) that the old contracts were executed during the period between 1944 and 1951 and will expire by their own terms in the near future; (2) that under the old contracts it is afforded no means of altering the price, except to reflect reimbursement of additional Louisiana taxes, and that at the time the old contracts were executed it was willing to enter fixed price contracts since United had historically amended or replaced contracts usually at 5-year intervals, as necessary to adjust prices to current conditions; (3) that during this time it has purchased the major portion of its fuel requirements at its oil refinery and chemical plant in St. Charles Parish from United at United's current weighted average field purchase cost plus a transportation differential, and that United's price to Shell has thus increased while Shell's rate to United has been frozen at the 1948-1952 level; (4) that the proposed increase prices will correct the imbalance between its field sale price and its plant purchase costs; (5) that its proposed prices are in keeping with other prices United and other purchasers are paying in the area and will not activate price clauses in other United contracts for the purchase of gas in the area; and (6) that the increased prices, represent its minimal needs to enable it without economic loss to continue selling gas, are necessary to offset the differential between its sale price in the field and its cost of gas purchased from United for its refinery and chemical plant.

The increased rates and charges so proposed have not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the several proposed changes and that each of Shell's aforementioned FPC Gas Rate Schedules as well as the Supplements thereto be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections

<sup>1</sup> "Et al." parties are: Peter Henderson, d.b.a. Peter Henderson Oil Company, M. Foss & Company, Robert L. Wickser, Stephen Paine, George Moatsos, Michael Porges, Spiro N. Coumantaros, Jerome B. Chambers and Margaret L. Chambers, d.b.a. Diesel Sales of Colorado Company, William B. Benjamin, II, Marshall Norling, Samuel M. Marcus, Paul Pennoyer, Robert B. Meech, Morton Fearey and Mary S. Fearey, Robert S. Armacost, Sr., Franz T. Stone, Robert F. Chick, Robert W. MacPherson, Mrs. D. Bakewell Strong, Barbara Klernan, William C. Chick, Jr., George F. Rand, III, Howard A. Schumacher, John P. Wickser, and Joseph Stewart.

4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), public hearings shall be held upon dates to be fixed by notices from the Secretary concerning the lawfulness of the proposed increased rates and charges contained in Shell's aforementioned FPC Gas Rate Schedules as well as the supplements thereto.

(B) Pending hearing and decision thereon, each of the said supplements and rate schedules tendered by Shell is hereby suspended and the use thereof deferred until November 13, 1959, and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) None of the several supplements and rate schedules hereby suspended shall be changed until the relevant proceeding has been disposed of or until the applicable period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 or 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.37(f)).

By the Commission.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 59-5018; Filed, June 17, 1959;  
8:45 a.m.]

[Docket No. G-17096]

## PHILLIPS PETROLEUM CO.

### Notice of Application and Date of Hearing

JUNE 11, 1959.

Phillips Petroleum Company (Applicant), filed an application on November 26, 1958, for a certificate of public convenience and necessity authorizing an exchange of natural gas, as hereinafter described, subject to the jurisdiction of the Commission, all as more fully represented in the application which is on file with the Commission and open to public inspection.

Applicant proposes an exchange of natural gas with Cities Service Gas Company (Cities Service) from Applicant's 50 percent interest in production from the Miller "B" Lease located in the Guymon-Hugoton Field, Texas County, Oklahoma.

The proposed exchange will be accomplished by the delivery of the subject gas by Applicant to Northern Natural Gas Company at the wellhead for the account of Cities Service, pursuant to an exchange agreement dated April 1, 1954; Cities Service, in turn, will credit Applicant for such volumes and will deliver like volumes into Applicant's Sherman and Rock-Pam Gathering System.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations, and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Fed-

eral Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on July 21, 1959 at 9:30 a.m., e.d.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before July 10, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

JOSEPH H. GUTRIDE,  
Secretary.

[F.R. Doc. 59-5017; Filed, June 17, 1959;  
8:45 a.m.]

## INTERSTATE COMMERCE COMMISSION

[Notice 22]

### APPLICATIONS FOR MOTOR CARRIER "GRANDFATHER" CERTIFICATE OR PERMIT

JUNE 12, 1959.

The following applications and certain other procedural matters relating thereto are filed under the "grandfather" clause of section 7(c) of the Transportation Act of 1958. These matters are governed by special rule § 1.243 published in the FEDERAL REGISTER issue of January 8, 1959, page 205, which provides, among other things, that this publication constitutes the only notice to interested persons of filing that will be given; that appropriate protests to an application (consisting of an original and six copies each) must be filed with the Commission at Washington, D.C., within 30 days from the date of this publication in the FEDERAL REGISTER; that failure to so file seasonably will be construed as a waiver of opposition and participation in such proceeding, regardless of whether or not an oral hearing is held in the matter; and that a copy of the protest also shall be served upon applicant's representative (or applicant, if no practitioner representing him is named in the notice of filing).

These notices reflect the operations described in the applications as filed on or before the statutory date of December 10, 1958.

No. MC 117795, filed November 4, 1958. Applicant: CARMEN D'AGOSTINO, doing business as D'AGOSTINO TRUCKING, 326 Park Street, Syracuse, N.Y. Grandfather authority sought under sec-

tion 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, between Syracuse, N.Y., and Weehawken, N.J.

No. MC 117832, filed November 17, 1958. Applicant: B. C. ALSTON, doing business as B. C. ALSTON, TOMATO COMPANY, 820 East Fourth Street, Little Rock, Ark. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., and Mobile, Ala., to Little Rock, Ark.

No. MC 117907 (Republication), filed November 28, 1958, published June 11, 1959, issue of FEDERAL REGISTER. Applicant: LOUIS E. ARNETT, doing business as LOUIS ARNETT PRODUCE & FROZEN FOODS, Mitchellville, Tenn. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen berries*, in straight and in mixed loads with *certain exempt commodities*, from Nashville, Tiptonville, and Portland, Tenn., and Franklin, Ky., to points in Massachusetts, Maryland, Pennsylvania, Ohio, New Jersey, New York, Wisconsin, Missouri, Illinois, Indiana, Kentucky, Michigan, South Carolina, and West Virginia.

NOTE: The purpose of this republication is to add certain exempt commodities and three destination states inadvertently left out of the original publication.

No. MC 117914, filed November 26, 1958. Applicant: PAT PHILLIPS, 101 Airline Highway, P.O. Box 9199, New Orleans, La. Applicant's attorney: Rollo E. Kidwell, 305 Empire Bank Building, Dallas 1, Tex. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over *irregular routes*, transporting: *Bananas*, between points in Louisiana, on the one hand, and, on the other, points in Alabama, Arkansas, Georgia, Illinois, Indiana, Kansas, Kentucky, Missouri, Nebraska, Ohio, Oklahoma, Tennessee, and Texas.

No. MC 117924, filed November 28, 1958. Applicant: B. C. TRUCK LEASING CO., LTD., 4265 Loughheed Highway, North Burnaby, British Columbia, Canada. Applicant's attorney: Ferris A. Albers, 916-19 Arctic Building, Seattle 4, Wash. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Washington, Oregon, and California to points in California and Washington, and to ports of entry on the International Boundary line between the United States and Canada at or near Blaine and Sumas, Wash., destined to points in Canada.

No. MC-118008, filed December 5, 1958. Applicant: REMY EDWARD LATERRADE, doing business as FRUITS LIMITED PRODUCE COMPANY OF NEW ORLEANS, LOUISIANA, 602 Pauline Street, New Orleans, La. Grandfather

authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., and Mobile, Ala., to points in Alabama, Arkansas, Arizona, California, Colorado, Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, Texas, Utah, Wisconsin, and Wyoming.

No. MC 118067, filed December 9, 1958. Applicant: BENJAMIN STACY ORRELL, JR., doing business as CASH PRODUCE WHOLESALER, 619 North Cherry Street, Winston-Salem, N.C. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, between Miami and Tampa, Fla., Columbia and Charleston, S.C., Norfolk, Va., New Orleans, La., New York, N.Y., and Raleigh and Winston-Salem, N.C.

No. MC 118068, filed December 6, 1958. Applicant: FRANK CASSELLA, 2650 Dixwell Avenue, Hamden, Conn. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, cocoa beans, coffee beans, tea, bananas, hemp, wool imported from any foreign country, wool tops and noils, and wool waste* (carded, spun, woven, or knitted), between points in the United States.

No. MC 118093, filed December 8, 1958. Applicant: ANTHONY JOSEPH FAVALLORA, doing business as A. J. PRODUCE COMPANY, 7714 Green Street, New Orleans, La. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables and bananas*, from New Orleans, La., and Mobile, Ala., to points in Alabama, Arkansas, Arizona, California, Colorado, Illinois, Indiana, Kentucky, Michigan, Minnesota, Missouri, Ohio, Tennessee, Texas, Utah, Wisconsin, Idaho, Washington, Oregon, and Wyoming.

No. MC 118113, filed December 7, 1958. Applicant: JACH HOOVER, doing business as J & H TRUCKING CO., 267 Raven Hill Drive, San Antonio, Tex. Applicant's attorney: Robert L. Strickland, 715 Frost National Bank Building, San Antonio 5, Tex. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, cocoa beans, coffee beans, tea, bananas, hemp, wool imported from any foreign country, wool tops and noils, and wool waste* (carded, spun, woven, or knitted), between points in the United States. Applicant also seeks authority to transport *exempt commodities* in the same vehicle at the same time with the above-named commodities.

No. MC 118177, filed December 7, 1958. Applicant: HERMAN MECOM AND HOWARD MECOM, doing business as MECOM DISTRIBUTING CO., 106

Hartford Street, San Antonio 10, Tex. Applicant's attorney: Robert L. Strickland, 715 Frost National Bank Building, San Antonio 5, Tex. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, cocoa beans, coffee beans, tea, bananas, hemp, wool imported from any foreign country, wool tops and noils, and wool waste* (carded, spun, woven, or knitted), between points in the United States. Applicant also seeks authority to continue to engage in the transportation of *exempt commodities* when transported for hire in the same vehicle at the same time with the above-specified commodities.

No. MC 118179, filed December 8, 1958. Applicant: HARRY MELMAN, doing business as HARRY MELMAN CO., 400 Franklin Avenue, P.O. Box 3213, New Orleans, La. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., to points in Alabama, Arizona, Arkansas, California, Colorado, Georgia, Illinois, Indiana, Iowa, New Mexico, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Missouri, Mississippi, Nebraska, North Dakota, Ohio, Oklahoma, Pennsylvania, South Dakota, Tennessee, Texas, Utah, West Virginia, Wisconsin, Wyoming, and Nevada.

No. MC 118184, filed December 5, 1958. Applicant: E. C. MILLER, doing business as MONTANA DAKOTA DISTRIBUTORS, P.O. Box 641, Kalispell, Mont. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in Washington and Oregon, to Great Falls, Missoula, Livingston, Chinook, and Glasgow, Mont.

No. MC 118190, filed December 9, 1958. Applicant: LEON POSEY, 2430 Loma Linda, Sarasota, Fla. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Tampa, Fla., to points in Alabama, Tennessee, Kentucky, Georgia, North Carolina, South Carolina, Virginia, Ohio, Indiana, Illinois, and Florida.

No. MC 118214, filed December 8, 1958. Applicant: JOHN J. NICHOLS, doing business as NICHOLS REFRIGERATED TRUCK LINE, Samstag Avenue, Ossining, N.Y. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New York, N.Y., Philadelphia, Pa., Weehawken, N.J., and Baltimore, Md., to Buffalo, Rochester, Syracuse, and Albany, N.Y., Philadelphia, and Harrisburg, Pa., Lawrence, Mass., Providence, R.I., and Baltimore, Md.

No. MC 118228, filed December 8, 1958. Applicant: W. F. TATUM, doing business as W. F. TATUM PRODUCE CO., 110 Madison Avenue, Montgomery, Ala. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, between points in Alabama, Florida, Tennessee, Kentucky, Indiana, Mississippi, and Louisiana.

No. MC 118233, filed December 8, 1958. Applicant: ELIZABETH E. TRIOLI, doing business as TRIOLI TRUCKING CO., 125 Central Avenue, Chelsea 50, Mass. Applicant's attorney: George C. O'Brien, 33 Broad Street, Boston 9, Mass. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, cocoa beans, coffee beans, tea, and bananas*, from Boston, Mass., New York and Brooklyn, N.Y., Newark, Weehawken, and Hoboken, N.J., Philadelphia, Pa., Baltimore, Md., Charleston, S.C., and Ports of Entry on the boundary between the United States and Canada, in Maine, to points in Connecticut, Rhode Island, New Hampshire, Maine, and Massachusetts.

No. MC 118237, filed December 8, 1958. Applicant: A. M. UNDERHILL, doing business as UNDERHILL VALLEY FARMS, Askov, Minn. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from New Orleans, La., and Mobile, Ala., to St. Paul, Minn.

No. MC 118267, filed December 10, 1958. Applicant: CHARLES H. COX, 2010 East 49th Street, Kansas City, Mo. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, cocoa beans, coffee beans, tea, bananas, hemp, wool imported from any foreign country, wool tops and noils, and wool waste* (carded, spun, woven, or knitted), between points in the United States.

No. MC 118268, filed December 10, 1958. Applicant: D. E. COX, 550 South Fourth Street, Kansas City, Kans. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, cocoa beans, coffee beans, tea, bananas, hemp, wool imported from any foreign country, wool tops and noils and wool waste* (carded, spun, woven, or knitted), between points in the United States.

No. MC 118273, filed December 10, 1958. Applicant: A. A. TRUCKING CORP., Box 44, Lake Huntington, N.Y. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, fro-*

zen berries, frozen vegetables and bananas, from points in Florida, New Jersey, New York, Tennessee, Maryland, Chicago, Ill., and St. Louis, Mo., to points in the States east of the Mississippi River.

No. MC 118289 (REPUBLICATION), filed December 10, 1958, published June 11, 1959, issue of FEDERAL REGISTER. Applicant: LEONARD D. FULBRIGHT, 806 North Kansas Street, El Paso, Tex. Applicant's attorney: William J. Torrington, 1003 Maryland Trust Building, Baltimore 2, Md. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from points in California and Oregon to points in Texas, California, and Arizona, and *bananas*, from El Paso, Tex., to points in Texas, California, and Arizona. Applicant also seeks authority to transport certain exempt commodities in mixed shipments with the above commodities.

NOTE: The purpose of this republication is to show the destination points of Texas, California, and Arizona for the transportation of bananas.

No. MC 118296, filed December 9, 1958 (REPUBLICATION), published June 4, 1959 issue FEDERAL REGISTER, page 4581. Applicant: KENNETH C. BAUM, doing business as BAUM FRUIT AND PRODUCE, 404 Cottonwood Avenue, Eaton, Colo. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, bananas, hemp, and certain exempt commodities*, in mixed and in straight loads, between points in Colorado, Wyoming, Montana, Idaho, and Utah.

NOTE: The purpose of this republication is to include the transportation of exempt commodities as shown above.

No. MC 118298, filed December 10, 1958. Applicant: MELVIN B. GARTON, doing business as BLUE BONNET DISTRIBUTING CO., 1001 West Queen, Tyler, Tex. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, from Dallas, and Tyler, Tex., to Louisville, Ky., Shreveport, La., St. Louis, Mo., and New York, N.Y.

No. MC 118313, filed December 10, 1958. Applicant: JOSEPH MACHADO, 245 Union Street, Fall River, Mass. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over regular and irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, cocoa beans, coffee beans, tea, bananas, hemp, wool* imported from any foreign country, *wool tops and noils, and wool waste* (carded, spun, woven or knitted), from points in New York, New Jersey, Pennsylvania, Maine, New Hampshire, Vermont, Connecticut, Rhode Island,

Massachusetts, North Carolina, South Carolina, Georgia, Florida, Tennessee, California, Louisiana, Kentucky, Mississippi, Texas, Alabama, Iowa, Ohio, Illinois, Michigan, Missouri, Oklahoma, Wisconsin, Virginia, and West Virginia, to points in New York, New Jersey, Massachusetts, Florida, and Maine.

No. MC 118317, filed December 9, 1958. Applicant: MEDINA DISTRIBUTING COMPANY, INC., P.O. Box 8222, San Antonio, Tex. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, cocoa beans, coffee beans, tea, and bananas*, in straight and in mixed loads with certain exempt commodities, between points in Alabama, Arizona, Arkansas, California, Colorado, the District of Columbia, Florida, Georgia, Illinois, Indiana, Kansas, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, New Jersey, New Mexico, New York, North Carolina, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Utah, Virginia, and Wisconsin.

NOTE: Applicant indicates it also seeks authority to continue the transportation of numerous exempt commodities, as more fully set forth in its application, when in mixed shipments with the above-described commodities.

No. MC 118324, filed December 10, 1958. Applicant: STEPHEN PERLAKI, doing business as S. PERLAKI, PRODUCE, 413 East Cumberland Street, Lebanon, Pa. Applicant's attorney: Thomas A. Ehrgood, Farmers Trust Building, Lebanon, Pa. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, cocoa beans, coffee beans, tea, bananas, hemp, wool* imported from any foreign country, *wool tops and noils, and wool waste* (carded, spun, woven, or knitted), from points in midwestern States including Missouri, Wisconsin, Minnesota, Iowa, Nebraska, Illinois, Michigan, Ohio, Indiana, and the Eastern Seaboard, including Pennsylvania, New Jersey, New York, Massachusetts, West Virginia, Virginia, Florida, Georgia, North Carolina, South Carolina, Texas, and Arkansas, and the District of Columbia to points in the above-described origin States and to points in Louisiana and Kentucky, and the District of Columbia, also, from Baltimore, Md., to Louisville, Ky., Chicago, Ill., and Grand Rapids, Mich.; from St. Louis, Mo., to Dover, Del., from Philadelphia, Pa., to Denver, Colo., from New Haven, Conn., to Detroit, Mich., from New York, N.Y., to Knoxville, Tenn., and from Topeka, Kans., to Wilmington, Del.

No. MC 118346, filed December 10, 1958. Applicant: WILLIAM A. HEDGES, doing business as WM. HEDGES TRUCKING, 9 Smith Place, Barre, Vt. Applicant's attorney: Richard E. Davis, Barre, Vt. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue

to operate as a common carrier, by motor vehicle, over irregular routes, transporting, *Bananas*, from New York, N.Y. and Barre, Vt., to Rutland, St. Albans and Barre, Vt.

No. MC 118347, filed December 10, 1958. Applicant: ED HELIGMAN, doing business as REFRIGERATED FOODS, 1402 Cass, St. Louis, Mo. Applicant's attorney: Richard Marx, Suite 900, International Office Building, 722 Chestnut Street, St. Louis 1, Mo. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, cocoa beans, coffee beans, tea, and certain exempt commodities* in mixed shipments or in straight shipments, from points in California, Pennsylvania, New York, Virginia, Wisconsin, Ohio, Missouri, Illinois, and Florida, and from McKenzie, Tenn., to St. Louis, Mo., Chicago, Ill., and Detroit, Mich.

No. MC 118351, filed December 10, 1958. Applicant: FRANK RECUPERO, 323 10th Avenue, Scranton 4, Pa. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bananas*, from New York, Weehawken, N.J., and Baltimore, Md., to Scranton and Wilkes-Barre, Pa., and Binghamton, N.Y.

No. MC 118360, filed December 10, 1958. Applicant: BOB RYAN, 1718 Debeney Drive, Houston 16, Tex. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Cocoa beans, coffee beans, tea, bananas, hemp, wool* imported from any foreign country, *wool tops and noils, wool waste* (carded, spun, woven, or knitted), and *frozen fruits, berries and vegetables*, from Brownsville, Pharr, Galveston, and Rio Grande Valley, Tex., New Orleans, La., Miami, Fla., Brooklyn and New York City, N.Y., Jersey City, N.J., Los Angeles and San Francisco, Calif. and Chicago, Ill., to Chicago, Ill., Jersey City, N.J., Brooklyn and New York City, N.Y., Los Angeles and San Francisco, Calif., New Orleans, La., Fond du Lac, Wis., Dayton, Ohio, Grand Rapids, Mich., Oklahoma City, Okla., Joplin, Mo., San Angelo and San Antonio, Tex., and Miami and Tallahassee, Fla.

No. MC 118382, filed December 10, 1958. Applicant: LOUIS KAPLAN, 18 Grove Street, Danvers, Mass. Applicant's attorney: Joseph A. Kline, 185 Devonshire Street, Boston, Mass. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bananas*, from Boston, and Lawrence, Mass., Brooklyn, and New York, N.Y., Weehawken, and Port Newark, N.J., Baltimore, Md., Philadelphia, Pa., and Charleston, S.C., to Boston, Ipswich, Brockton, New Bedford, Worcester, and Fitchburg, Mass., Manchester, N.H., Providence, R.I., and Portland, Maine.

No. MC 118385, filed December 10, 1958. Applicant: AL VIVIAN AND RONNY VIVIAN, doing business as, AL VIVIAN & SON, Box 428, Carrize Springs, Tex. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables*, between points in California, Ohio, New Mexico, Texas, North Carolina, Nevada, Massachusetts, Rhode Island, Washington, D.C., South Carolina, Connecticut, Wisconsin, Idaho, Missouri, Oregon, Virginia, Kentucky, New York, Kansas, Tennessee, Georgia, Arizona, Florida, Utah, Nebraska, Oklahoma, and Pennsylvania.

No. MC 118421, filed December 10, 1958. Applicant: JEROME CLAY, 7095 Grape Street, Denver, Colo. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, cocoa beans, coffee beans and bananas*, between Chicago, Ill., Watsonville, Los Angeles, San Francisco and Oakland, Calif., Denver, Colo., Salt Lake City, Utah, Phoenix and Tucson, Ariz., Houston, Dallas and Brownsville, Tex., Biloxi, Miss., Tampa and Miami, Fla., Seattle, Wash., Portland, Oreg., Omaha, Nebr., Kansas City, Mo., New Orleans, La., and Mobile, Ala.

No. MC 118422, filed December 10, 1958. Applicant: JIM PIERATT, 4904 Steele, Denver 16, Colo. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries and frozen vegetables*, between New Orleans, La., Mobile, Ala., Denver, Colo., Tampa and Miami, Fla., Phoenix and Tucson, Ariz., Salt Lake City, Utah, Los Angeles and Oakland, Calif., Brownsville, Houston, and Dallas, Tex., Portland, Oreg., and Kansas City, Mo.

No. MC 118423, filed December 10, 1958. Applicant: S & W TRANSPORTATION, INC., 4717 East 48th Street North, Kansas City 16, Mo. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, berries and vegetables*, from points in California, Michigan, and Utah, to points in Iowa, Kansas, and Missouri.

No. MC 118427, filed December 10, 1958. Applicant: A. B. MURDOCK, Route 1, Box 74, Forrest Park, Ga. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Miami and Tampa, Fla., Charleston, S.C., Mobile, Ala., and New Orleans, La., to Atlanta, Ga.

No. MC 118670 (REPUBLICATION), filed December 10, 1958, published FEDERAL REGISTER issue June 11, 1959. Applicant: JAMES H. COX, 1601 J Street, Lakewood, Colo. Previous publication gave applicant's address as 602 West 91st Street, Kansas City, Mo., in error. The

correct address is as shown above, 1601 J Street, Lakewood, Colo.

By the Commission.

[SEAL]

HAROLD D. McCoy,  
Secretary.

[F.R. Doc. 59-4995; Filed, June 17, 1959;  
8:45 a.m.]

[Rev. S.O. 562, Taylor's I.C.C. Order 100]

## CHICAGO, AURORA AND ELGIN RAILWAY CO.

### Diversion or Rerouting of Traffic

In the opinion of Charles W. Taylor, Agent, an emergency exists on the Chicago, Aurora and Elgin Railway Company, because of discontinuance of operations:

It is ordered, That:

(a) Rerouting traffic: The Chicago, Aurora and Elgin Railway Company, and its connections, are hereby authorized to divert or reroute such traffic over any available route to expedite the movement, regardless of routing shown on the waybill. The billing covering all such cars rerouted shall carry a reference to this order as authority for the rerouting.

(b) Concurrence of receiving roads to be obtained: The railroad desiring to divert or reroute traffic under this order shall confer with the proper transportation officer of the railroad or railroads to which such traffic is to be diverted or rerouted, and shall receive the concurrence of such other railroads before the rerouting or diversion is ordered.

(c) Notification to shippers: The carriers rerouting cars in accordance with this order shall notify each shipper at the time each car is rerouted or diverted and shall furnish to such shipper the new routing provided under this order.

(d) Inasmuch as the diversion or rerouting of traffic by said Agent is deemed to be due to carrier's disability, the rates applicable to traffic diverted or rerouted by said Agent shall be the rates which were applicable at the time of shipments on the shipments as originally routed.

(e) In executing the directions of the Commission and of such Agent provided for in this order, the common carriers involved shall proceed even though no contracts, agreements, or arrangements now exist between them with reference to the divisions of the dates of transportation applicable to said traffic; divisions shall be, during the time this order remains in force, those voluntarily agreed upon by and between said carriers; or upon failure of the carriers to so agree, said divisions shall be those hereafter fixed by the Commission in accordance with pertinent authority conferred upon it by the Interstate Commerce Act.

(f) Effective date: This order shall become effective at 4:00 p.m., June 12, 1959.

(g) Expiration date: This order shall expire at 11:59 p.m., September 10, 1959, unless otherwise modified, changed, suspended or annulled.

It is further ordered, That this order shall be served upon the Association of American Railroads, Car Service Division, as agent of all railroads subscribing

to the car service and per diem agreement under the terms of that agreement and by filing it with the Director, Office of the Federal Register.

Issued at Washington, D.C., June 12, 1959.

INTERSTATE COMMERCE

COMMISSION,

CHARLES W. TAYLOR,

Agent.

[F.R. Doc. 59-5024; Filed, June 17, 1959;  
8:47 a.m.]

## SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3803]

### BROCKTON EDISON CO. ET AL.

#### Notice of Filing of Joint Application- Declaration Regarding the Issuance and Sale of Debentures and Com- mon Stock by Subsidiary and Acqui- sition Thereof by Stockholder Com- panies

JUNE 11, 1959.

In the matter of Brockton Edison Co., Blackstone Valley Gas and Electric Co., Fall River Electric Light Co., and Eastern Utilities Associates; File No. 70-3803.

Notice is hereby given that Brockton Edison Company ("Brockton"), Fall River Electric Light Company ("Fall River") and Blackstone Valley Gas and Electric Company, exempt holding companies and public-utility subsidiaries of Eastern Utilities Associates ("EUA"), a registered holding company, EUA and Montaup Electric Company ("Montaup"), a public-utility company owned by Brockton, Fall River and Blackstone, have filed a joint application-declaration with this Commission pursuant to the Public Utility Holding Company Act of 1935 ("Act"), and have designated sections 6 (a) and (b), 7, 9(a), 10, 12 (b), (c), and (f) of the Act and Rules 42(b) (2), 43, 45(b) (1), and 50 thereunder as applicable to the proposed transactions.

Montaup proposes to increase its common stock by 32,521 shares with an aggregate par value of \$3,252,100, and to issue and sell such additional shares together with \$3,950,000 principal amount of 5 percent Debenture Bonds to be dated July 1, 1959 and maturing July 1, 1989. Montaup's sole common stockholders, Brockton, Blackstone, and Fall River, propose to acquire such common stock and Debenture Bonds at prices equal, respectively, to the par value and principal amount thereof, and in proportions conforming with the terms of an agreement dated as of September 11, 1923, as amended, among Montaup and its stockholder companies. Pursuant to said agreement, and reflecting an assignment by Blackstone and Fall River to Brockton of a portion of their preemptive rights to subscribe to their proportionate shares of the 32,521 additional Montaup shares, Brockton will acquire 16,651 shares and \$2,014,000 principal amount of Debenture Bonds; Blackstone will acquire 9,070 shares and \$1,036,600 principal amount of Debenture Bonds; and



Fall River will acquire 6,800 shares and \$899,300 principal amount of Debenture Bonds. As a result of the foregoing transactions, the proportions of Montaup's total outstanding securities held by Brockton, Blackstone, and Fall River will become 37.87 percent, 31.98 percent and 30.15 percent, respectively.

Montaup proposes to use the proceeds from the sale of its additional shares of common stock and the Debenture Bonds to prepay without premium a portion of Montaup's unsecured short-term bank indebtedness incurred in connection with its construction program.

It is stated that the proposed issue and sale of the Debenture Bonds and common stock by Montaup and the acquisition thereof by Brockton and Fall River are subject to the jurisdiction of the Department of Public Utilities of the Commonwealth of Massachusetts and that no other State commission or Federal commission, other than this Commission, has jurisdiction over the proposed transactions.

It is estimated that the fees and expenses to be incurred in connection with the proposed transactions will amount to \$10,800 for Montaup, including counsel fees and expenses of \$1,160; and \$525 for Blackstone, \$625 for Brockton, and \$635 for Fall River, all consisting of counsel fees and expenses in each case.

Notice is further given that any interested person may not later than June 25, 1959, at 5:30 p.m., request the Commission in writing that a hearing be held on such matters stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by said filing which he desires to controvert, or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the Commission may grant and permit to become effective the joint application-declaration, as filed or as it may be amended, as provided by Rule 23 promulgated under the Act, or the Commission may grant exemption from its rules under the Act or take such other action as it may deem appropriate.

By the Commission.

[SEAL] ORVAL L. DuBois,  
Secretary.

[F.R. Doc. 59-5027; Filed, June 17, 1959;  
8:47 a.m.]

[File No. 812-1231]

### INVESTORS DIVERSIFIED SERVICES, INC., ET AL.

#### Notice of and Order for Hearing on Application for Order Exempting From Section 22(d) and From Rule 22d-1 Sale by Open-End Com- pany of Its Shares to Associations on Basis of Reduced Sales Load

JUNE 11, 1959.

In the matter of Investors Diversified  
Services, Inc., Investors Mutual, Inc.,

Investors Selective Fund, Inc., Investors Stock Fund, Inc., Investors Variable Payment Fund, Inc., and Investors Group Canadian Fund, Ltd.; File No. 812-1231.

Notice is hereby given that Investors Mutual, Inc., Investors Selective Fund, Inc., Investors Stock Fund, Inc., Investors Variable Payment Fund, Inc., and Investors Group Canadian Fund Ltd., open-end investment companies registered under the Investment Company Act of 1940 ("Act") and Investors Diversified Services Inc., a registered face-amount certificate investment company and principal underwriter and distributor for the named open-end companies (all collectively referred to herein as "Applicant") have filed an application pursuant to section 6(c) of the Investment Company Act of 1940 ("Act") for an order of the Commission exempting from the provisions of section 22(d) of the Act and Rule 22d-1 adopted thereunder the proposed issuance and sale of shares of the open-end companies to certain Associations for the account of the individual members of said Associations on the basis of a reduced sales load applicable to quantity purchases as disclosed in the prospectuses of such open-end companies.

The application makes the following representations:

Los Angeles Physicians Retirement Association and Los Angeles Dentists Retirement Association ("Associations") are non-profit California membership corporations having as members, respectively, approximately 1100 physicians and 500 dentists. They were organized to assist their members in the establishment of individual, personal retirement plans, and commenced operations, respectively, in November 1955 and March 1957. Since then, the membership of the two organizations, composed entirely of professional men (physicians and dentists), have succeeded in setting aside approximately \$5,000,000 for their retirement income. University Retirement Investment Association ("Associations") is a non-profit organization organized in September of 1954 whose members are all full-time faculty and staff personnel of the University of Minnesota. It was organized to assist its individual members in establishing personal retirement plans and its approximately 230 members have contributed for such purpose approximately \$608,000.

The funds so set aside have been invested in shares of Mutual, Selective Stock, Variable or Canadian, for the accounts of the individual members, as specified by such members. The Associations' members' funds are of course respectively combined in making purchases and have up to now received the benefit of the same quantity discount as though their purchases were made by one person, and their members have had and are now receiving a corresponding benefit.

On December 2, 1958, the Commission promulgated the new Rule 22d-1 under the Act, to become effective January 20, 1959 (this date subsequently changed to March 20, 1959), which specified, among other things that open-end investment companies and their underwriters may

no longer treat as one person "a group of individuals whose funds are combined, directly or indirectly for the purchase of redeemable securities of a registered investment company jointly or through a trustee, agent, custodian, or other representative, nor \* \* \* a trustee, agent, custodian, or other representative, of such a group of individuals". The new rule would, therefore, prevent the applicants from continuing, after March 20, 1959, the sale of shares of the open-end investment companies to these Associations at the quantity discount rate of sales charge which now applies.

By application dated February 20, 1959 and amendment thereto dated March 2, 1959, filed pursuant to section 6(c) of the Investment Company Act of 1940, the applicants requested that a temporary exemption be granted from the provisions of section 22(d) and Rule 22d-1 so as to permit the applicants to continue the sale of shares of the applicant open-end investment companies, for a temporary period to and including August 20, 1959, to these organizations on the basis of sales charges as available prior to adoption of Rule 22d-1. The application for temporary exemption was granted by the Commission on March 26, 1959. The application states that officers of the Associations have now requested of the applicants that they file a further application seeking an order of the Commission making permanent the temporary exemption heretofore granted.

Section 6(c) of the Act authorizes the Commission by order upon application to exempt, conditionally or unconditionally, any transaction from any provision of the Act or of any rule or regulation thereunder, if and to the extent that the Commission finds that such exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

It appearing to the Commission that it is appropriate in the public interest and in the interest of investors that a hearing be held with respect to the application;

It is ordered, Pursuant to section 40(a) of said Act, that a hearing on the aforesaid application under the applicable provisions of the Act and of the rules of the Commission thereunder be held on the 9th day of July 1959 at 10:00 a.m., in the office of the Securities and Exchange Commission, 425 Second Street NW., Washington 25, D.C. At such time the Hearing Room Clerk will advise as to the room in which such hearing will be held. Any person desiring to be heard or otherwise wishing to participate in this proceeding is directed to file with the Secretary of the Commission his application as provided by Rule XVII of the Commission's rules of practice, on or before the date provided in the Rule, setting forth any issues of law or facts which he desires to controvert or any additional issues which he deems raised by this Notice and Order or by such application.

It is further ordered, That William W. Swift or any officer or officers of the Commission, designated by it for that purpose, shall preside at said hearing. The

officer so designated is hereby authorized to exercise all the powers granted to the Commission under sections 41 and 42(b) of the Investment Company Act of 1940 and to a hearing officer under the Commission's rules of practice.

The Division of Corporate Regulation having advised the Commission that it has made a preliminary examination of the application, and that upon the basis thereof the following question is presented for consideration without prejudice to its specifying additional matters and questions upon further examination.

Whether the requested exemption is necessary or appropriate in the public interest and consistent with the protection of investors and the purposes fairly intended by the policy and provisions of the Act.

It is further ordered, That at the aforesaid hearing attention be given to the foregoing matters and questions.

It is further ordered, That the Secretary of the Commission shall give notice of the aforesaid hearing by mailing a copy of this Notice and Order by registered mail to Investors Diversified Services, Inc., Investors Mutual, Inc., Investors Selective Fund, Inc., Investors Stock Fund, Inc., Investors Variable Payment Fund, Inc., Investor's Group Canadian Fund, Ltd., Los Angeles Physicians Retirement Association, Los Angeles Dentists Retirement Association and University Retirement-Investment Association, and that notice to all persons shall be given by publication of this Notice and Order in the FEDERAL REGISTER; and that a general release of this Commission in respect of this Notice and Order be distributed to the press and mailed to the mailing list for releases.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 59-5028; Filed, June 17, 1959;  
8:47 a.m.]

[File No. 24W-2142]

## MACINAR, INC.

### Order Cancelling Hearing

JUNE 11, 1959.

The Company having requested on April 13, 1959 a hearing in the above-entitled matter, and the Commission by order dated April 30, 1959 having ordered that a hearing pursuant to section 3(b) of the Securities Act of 1933, as amended, and the applicable provisions thereunder, commence on June 15, 1959, at 10:00 a.m., at the Washington Regional Office of the Commission; and

The Company having filed a motion to vacate the proceedings, dated March 30, 1959; and

The Company having requested a withdrawal of its request for a hearing and of its motion to vacate the proceedings, and the Division of Corporation Finance not objecting thereto;

It is ordered, That the request for hearing and the motion to vacate the proceedings be and they hereby are deemed withdrawn.

It is further ordered, That the hearing scheduled for June 15, 1959 be and it hereby is cancelled.

Pursuant to the provisions of Rule 261(b) of Regulation A, the suspension of the Regulation A exemption from registration under the Securities Act of 1933, as amended, with respect to the proposed public offering of securities by the Company becomes permanent.

By the Commission.

[SEAL] ORVAL L. DuBOIS,  
Secretary.

[F.R. Doc. 59-5029; Filed, June 17, 1959;  
8:47 a.m.]

## OFFICE OF CIVIL AND DEFENSE MOBILIZATION

### DIRECTOR OF ADMINISTRATION

#### Delegation of Authority To Use Title III of Federal Property and Admin- istrative Services Act of 1949

1. Pursuant to the authority vested in me by General Services Administration Delegation of Authority No. 363 from the Administrator, General Services Administration, dated March 10, 1959, authority is hereby delegated to the Director of Administration (Contracting Officer for the Office of Civil and Defense Mobilization) to utilize the pro-

visions of Title III of the Federal Property and Administrative Services Act of 1949 (63 Stat. 377), as amended (herein called the Act), to procure property and services which are required in connection with authorized activities of the Office of Civil and Defense Mobilization, except the power to make the determinations or decisions specified in paragraphs (12) and (13) of section 302(c) of the Act.

2. The authority herein delegated under section 302(c) (11) may be exercised only with respect to contracts which will not require expenditure of more than \$25,000, and may not be redelegated.

3. This delegation of authority shall be subject to all limitations and requirements of the Act, particularly sections 304, 305 and 307, and shall be exercised in accordance with policies, procedures, limitations and controls prescribed by the General Services Administration.

4. Subject to the provisions of section 2 above, the authority herein delegated may be redelegated to a designee of the Director of Administration.

5. This delegation rescinds the Delegation of Authority dated July 30, 1958 (23 F.R. 5965) and shall take effect March 10, 1959.

Dated: March 10, 1959.

LEO A. HOEGH,  
Director.

[F.R. Doc. 59-5013; Filed, June 17, 1959;  
8:45 a.m.]

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